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MEMORIALS

OF THE FAMILY OF

WEMYSS OF WEMYSS

BY

SIR WILLIAM FRASER

K.C.B. LL.D.

V.2

VOLUME II.- CHARTERS

EDINBURGH

1888.

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ABSTRACT OF WEMYSS CHARTERS.

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1. Bull by Pope Alexander the Third, directed to his venerable brother, Gregory, Bishop of Dunkeld, by which, in compliance with the bishop's request, he takes the church of Dunkeld, with the whole bishopric over which Gregory presided, under St. Peter's protection and his own; and ordains that whatever possessions or goods that church at present canonically possessed, or should possess in future by the grants of pontiffs, bounty of kings or princes, oblations of the faithful, or in other righteous ways, should remain unimpaired to the bishop and his successors; confirming also the freedoms, immunities or royal customs granted by the Kings of Scots to the church of Dunkeld, with the rents and services, or any other things justly pertaining to the church, and confirmed by the writings of the said kings and princes. On the death of the bishop or any of his successors, no one shall by craft or violence be constituted bishop therein, but he whom the canons of the church of Dunkeld, by common consent, or that part of them of sounder judgment, provide to be elected; decreeing therefore that none should disturb the church of Dunkeld, or take away or lessen their goods, but that all should remain entire and untouched for the use of the bishop and of those for whose government and sustentation they had been granted; reserving the authority of the apostolic see, etc. Dated at Tours, 7th June 1163, and subscribed by the pope and cardinals, ... 1

2. Charter by John of Anesley, knight, to John of Wemyss and Amabilla his spouse, daughter of the granter, granting to them his whole land of Over Cambrun, with the common of Nether Cambrun, with pertinents, liberties, and easements, by the following marches, viz.:—As Gamlisburn descends into the water of Leven, and by Gamlisburn ascending to the lands of Robert Galle, and as far as the Scortbutis, and so from the land of Robert Galle towards the east as far as the field called Langebrekes, and from Langebrekes ascending to another way going towards Kyrcaldin, and from that way descending between the land of Fergus and the land called Spiceland as far as Keldeney, and so ascending from Keldeney as far as Harlawe, which is in the marches between Michael of Wemes and Cambrun. To be held of the granter and his heirs to the said John and his heirs begot of the said Amabilla, as freely as the granter held them of the Earl of Fife, for rendering to the said earl the service thence due, and grinding at the earl's mill of Cambrun every year ten chalders of corn (blado) grown on the holding without multure, immediately after the corn that may be found in the hopper, unless the corn required for the table of the earl should come in; but if more should be required to be ground, paying the twenty-fourth peck as multure; and paying to the granter and his heirs three pennies yearly, three halfpennies at Whitsunday and the same at Martinmas, in name of feufarm. If the said John or Amabilla should die without children, the survivor to have the lands during

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life, and thereafter the lands to return to the granter and his heirs. Witnesses, the Abbot of Jeddeworth, Sir William of Jarum, prior thereof, Sir Gilbert of Oxinham, chaplain, and others. No date, but *circa* 1290, ... 4

3. Notarial Transumpt, made at the instance of Sir John of Wemyss, lord of Reres, at Perth, 15th October 1408, of a charter by David of Wemyss, son and heir of Michael of Wemyss, knight, by which he gives to Anabella, daughter of Sir William of St. Clair, knight, wife of the deceased Sir Robert Beset, ten shillings and eight pennies of annualrent in the fishing of the tenement of Balbethy and Capildrayth and Petmuy and Stradrowry in the barony of Lochor; Ardergy and Westirdron, which belonged to Sir David of Lochor; and the half of Eglisdikin falling to the said David in the earldom of Menteith, with two free tenants in the barony of Lochor, Constantine of Lochor and Adam of Lochgelly; to be held by the said Anabella for her life, and the heirs born of the marriage between her and the granter, of the said David and his heirs, for rendering to the chief lords of the fees the services due and wont, and to the granter and his heirs homage and twelve pennies sterling yearly. Not dated, but *circa* 1290-1296, ... 5

4. Charter by David of Wemyss, lord of the half of the lands of Sir David, formerly Lord of Lochore, whereby he gives and confirms sufficient fuel to John of Wemyss, his uncle, and his heirs and their heirs, and his men dwelling on his lands of Rathe, which lands the said David had let heritably to the said John of Wemys and his heirs for ever, for the purpose of taking fuel in his moor of Mcleofgarmunth and of Polgulde, both in heather and peats; to be held by the said John and his heirs, and their heirs, and his men of Rathe, of the granter and his heirs, for payment of two pennies yearly in name of feufarm. Witnesses, Matthew of Crambeth, Bishop of Dunkeld, Michael of Wemyss, the granter's father, Sir Michael Scott, knight, Constantine of Lochore, Hugh of Lochore, sheriff of Fife. No date, but *circa* 1300, ... 8

5. Quitclaim by Michael of Wemyss, knight, by which he gives and quitclaims to John of Inglis, lord of Inglistarvet, and his heirs and assignees, his third part of the mill of Tarvet. Witnesses, Duncan, Earl of Fife, Sir David of Berclay, Sir Michael Scot, Sir David of Wemyss, Sir Andrew of Wallans, knights, and others. No date, but *circa* 1300, ... 9

6. Charter by Michael Scott, lord of Balwearie, narrating that by sealed instruments and diligent inquest of trustworthy men of the country, it was well known to him that his predecessors had of old heritably infeft Yvo of Burneschelis and his predecessors in the whole land of Burneschelis; and that though a question had been mooted between the granter and the said Yvo on certain articles challenging him, yet the granter knowing the truth of the infeftment, had no will to attempt anything unjustly against him; wherefore, he thinks it just and fitting that the whole said land should be given to the said Yvo as his own heritage, and grants and confirms it accordingly;

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to be held to Yvo and his heirs of the said Michael and his heirs, in fee and heritage, for giving of homage only, and a pair of gilt spurs or seven pennies of usual money at the feast of the apostles Peter and Paul; with clause of warrandice. Witnesses, Sir David of Wemyss, Sir David of Berkely, Sir William of Ferselay, knights; Adam of Kininmonde, William of Louchor, John Monipeni, Alexander Ouiot, Mark of Stikelaw, and Bernard of Mirtone. No date, but *circa* 1300, ... 9

7. Charter by Michael of Wemyss, lord of that ilk, by which he gives and confirms to his kinsman Sir David of Wemyss, knight, his lands of Nether Cambrun, held of the Earl of Fife, with the mill of Cambrun, to be held to the said David and his heirs of the granter and his heirs in fee and heritage; for rendering homage to the granter and his heirs, and forinsec service to the king, so much as pertained to the said lands; and also for rendering to the granter and his heirs six pennies money yearly, at the feast of the nativity of St. John the Baptist in name of blenchfarm, at the manor place of Wemyss. The granter reserves ten chalders of corn to be ground in the mill of Cambrun, for free multure, viz., a firlot for a chalder, reserving also to the granter's men of Neuthun, inhabiting that land, reasonable pasture in the moor of Cambrun. Witnesses, William and Adam, Bishops of Dunkeld and Brechin, Alexander and Adam, Abbots of Dunfermline and Culross, Sir Robert of Lawder (Lawedyr), Sir Alexander of Sethun, and others. *Circa* 1332, ... 11

8. Charter by Michael of Wemyss, lord of that ilk, giving and confirming to David of Wemyss, his kinsman, six merks sterling of annualrent in his corn mill of Methkyll; to be held by the said David and Dame Margaret, his spouse, and their heirs, of the granter and his heirs, till Michael or his heirs granted to David and his heirs six merks worth of land in a sufficient competent place in the bounds of Fife, or Fothrif, the said Dame Margaret to enjoy the pension of six merks during her life in case of surviving her husband; for rendering two pennies of silver in name of blenchfarm at the feast of St. John's nativity, at the manor place of Wemyss, if asked; it being provided, that the said David or his heirs, on their infeftment in the said six merks worth of land, should be bound to render homage to the granter and his heirs, with ward and relief when they occurred. Witnesses, William and Adam, Bishops of Dunkeld and Brechin, Alexander and Adam, Abbots of Dunfermline and Culros, Sir Andrew of Moray, Sir Alexander of Mubray, and Sir Michael Scot, knights. *Circa* 1332, ... 12

9. Gift by Isabella, lady of Fife, granting to Alan of Erskine, lord of Inchmartin, for his faithful service done to her, two reliefs, one old and the other new, belonging to her by right of superiority over the lands of the lordship of Wemyss, and charging the heirs of the lands of Wemyss, and their assignees, to pay the reliefs to the said Alan and his executors or assignees. Dated at Falkland, the Wednesday of the feast of the Innocents. [28th December] 1362, 13

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10. Gift by Isabella, Countess of Fife, made during her widowhood, to her cousin (consanguineo), Alan of Erskyne, lord of Inchmartin, of the ward of the heir of the late John of Livingstone, and relief if it happened, and also the relief of all the heirs of Livingstone successively, till one obtained sasine of the lands held of the countess. Perth, 14th January 1366, ... 14

11. Instrument of Resignation by Sir David of Wemyss in the hands of Sir Robert Stewart, Earl of Fife and of Menteith, of all lands which the said Sir David held of the earl, upon which the earl invested John of Wemyss in such possession as Sir David had; also by the said Sir David of the lands which he held of Sir Alan of Erskyne in Sir Alan's hands, who, in like manner, gave the said John of Wemyss such possession as Sir David had. Done in the parish church of Kirk-Wemys, in presence of Robert Norvyle, Malcolm of Myrtoun, Richard of Balkanco, and others. 10th January 1373,..... 15

12. Indenture between John of Wemyss and Duncan of Wemyss, by which they agree to observe all agreements formerly made between them, and that the said John of Wemyss shall resign all the lands in his possession that formerly belonged to Sir David of Wemyss, and cause the said Duncan to have sasine of them, with all diligence, as the entail in indentures made between them thereupon purports; and the said Duncan agrees to deliver the lands of Over Kambroun and six merks of annualrent from the mill of Methkyll, out of the hands of the head lords of the same; and after delivery to include them in the same entail in which the other lands are put; the said John to use his endeavour to deliver the said lands, on failure of Duncan so to do, the latter paying competent expenses. Further, the said Duncan agrees to pay, at Whitsunday, every year for seven years, from 1387 [1377] onwards, three and a half merks sterling to the said John to be delivered to a chaplain for celebrating service for the soul of the said Sir David: and the said John shall have the whole lands of Wester Reres at the end of ten years from Whitsunday, for the maills contained in the indentures, together with the whole lordship thereof, etc. Dated at the Monastery of Holyrood, 8th December 1376, ... 16

13. Charter by Robert Stewart, Earl of Fife and Menteith, granting his lands of Tvlibrek, in the earldom of Fife, to John of Wemyss, for homage and service; to be held to the said John and his heirs of the earl and his heirs in fee and heritage, for doing service due and wont, and three suits at the three head courts of the earldom of Fife, and the king's forinsec service pertaining to such lands. [1372-1398], ... 17

14. Charter by Robert, Earl of Fife and Menteith, by which, after inspection and examination with his council specially convoked for that purpose, he confirms the charters of Sir Alan of Erskine, John of Boswell, and Robert of Livingstone, made and grauted to Sir John of Wemyss and his heirs, of the lands of Myrecairnie and Nether Cameron, which were held of the earl in chief, and ratifies the grants to him. 18th June 1386. Witnesses, John, Bishop of Dunkeld, Chancellor of Scotland, and others,..... 18

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15. Lease by Alan of Erskyne, lord of Inchmartine, to his beloved son, Sir John of Wemyss, knight, of the lands of Petlassy till the expiry of the terms specified in the evidents granted by John of Ramorgny, lord of Petglassy, to the said Alan, paying to the said John ten pounds sterling yearly, the entry to be at Martinmas 1386. Reres, 15th December 1386, ... 19

16. Indenture between John of Wemyss, lord of Kyncaldrum, and Thomas of Inverleven, by which the said Thomas in presence of a notary acknowledged that he had given the whole right and claim heritably pertaining to him in the lands of Inverleven to Sir John of Wemyss, under condition of his assistance in recovering the lands from the hands of the lords superiors, for the behoof of the said Thomas, anent which the said John bound himself to use his utmost power to acquire them within two years after next Whitsunday; and when acquired the said Thomas bound himself to resign the said lands at the good pleasure of the said John, under a penalty of £40 sterling; if the lands could not be recovered, John of Wemyss agrees to pay to the said Thomas 8 merks yearly for the lands during his lifetime; and if they were recovered during the two years, the said Thomas was to have the franktenement of the same for all the days of his lifetime, and Sir John to remain in fee, paying 8 merks yearly; and should the agreement become void through non-payment of the 8 merks, Thomas and his successors were still to retain their right to fuel in the lands, with fishing in the Leven, with the isle of Werdale in the middle of it. Reres, 10th October 1388, ... 20

17. Indenture between Sir John of the Wemyss, laird of Kincaldrum, and Duncan of the Wemyss, son and heir of the late Sir David of the Wemyss, laird of Cameron, respecting the lands that belonged to the said Sir David, by which Duncan confirms all the lands that were Sir David's or the said Duncan's, or were resigned in the overlord's hands, to be held to the foresaid Sir John and his heirs and assignees from the foresaid Duncan and his heirs for ever; and Sir John gives to the said Duncan, for his sustentation during his life, the land of Kylmanyne, except his tenandries and orchard, and two acres of ground to his gardener, and also all that belonged to him of his lands of Myrecairnie, for payment of eight pennies silver of maill yearly, etc. Reres, 10th June 1389, ... 23

18. Protest by Sir John of Wemyss, knight, lord of Kincaldrum, at the manor place of Inverleven, who presented to Thomas of Inverleven, lord of that ilk, an indenture [probably No. 16 *supra*], which the notary read; and the said Sir John asked the said Thomas if he were willing to fulfil all the things contained in the said indenture, principally in regard to resigning the lands of Inverleven in the overlord's hands, since the said Sir John had fulfilled all his part of the indenture. The said Thomas being advised, answered he could not deny that Sir John had fulfilled well and wholly all that he was bound to do; but yet that, as at present advised, he neither could nor would fulfil what was con-

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tained in the indenture, and gave as his reason that he could not readily have the counsel of his friends, upon which Sir John protested that the refusal should not prejudice him in any manner. Done on the north side of Inverleven, on the high road that passes from the mill to Kennoqwy, 7th February 1389, ... 25

19. Charter by Robert of Livingstone, lord of Drumry, by which he grants to his beloved kinsman, John of Wemyss, for his counsel and help, all his lands of Myrecairnie, of Raith, Glennistoun, Polguld, Nether Cameron, and Methkyll, in the shire of Fife, to be held to the said John and his heirs of the granter and his heirs, in fee and heritage, as freely as Sir David of Wemyss held them of the granter and his predecessors, for service due and wont to the granter, and forinsec service to the king. Witnesses, Robert, Earl of Fife and Menteith, Patrick of Graham, Robert of Danyelstoune, knights, and others. *Circa* 1390, ... 26

20. Notarial instrument relating to a dispute between Sir John of Wemyss, knight, laird of Kyncaldrum, and Thomas of Inverleven, elder, into whose presence Sir John passed with a notary, and required of him to fulfil the bond of obligation made between them, inasmuch as he (Sir John) had fulfilled his part, seeing such bond had been made at first of the said Thomas's mere free will. After a short interval, and having taken counsel, the said Thomas answered that, as then advised, he would not fulfil it, and maintained the refusal when further pressed, acknowledging that Sir John had fully performed his part. Whereupon Sir John craved instruments. Done in the fields near the manor place of Inverleven, 10th February 1391, ... 28

21. Charter by King Robert the Third, by which he confirms the grants made by his brother Robert, Earl of Fife and Menteith, to John of Wemyss, knight, of the lands of Reres, and other lands which the said knight holds of the said Earl of Fife in the barony of Reres, of the lands of Myrecairnie, Newton, and Markinch, Nether Cameron, Wester Tarvate, and Tulybrek; confirming also the gifts and grants which Alexander of Abirnethy, knight, made and granted to the late John, knight, grandfather of the said John, heritably, of the lands of Kyncaldrum, with the pertinents; also the gifts and grants made by Alan of Erskyne, Robert of Livingstone, and John of Boseuyle, made and granted heritably to the said John of Wemyss of the lands of Rate, Glennystoun, and Polgulde, in the sheriffdom of Fife; to be held to the said John of Wemyss and his heirs of the king and his heirs, in fee and heritage, under reservation of the king's service. Witnesses, Walter, Bishop of St. Andrews; Matthew, Bishop of Glasgow; Robert, Earl of Fife and Menteith, the king's brother; Archibald, Earl of Douglas, lord of Galloway; James of Douglas, lord of Dalkeith, Thomas of Erskyne, knights; and Alexander of Cokburne of Langtoun, keeper of the Great Seal. Given under the king's seal at Dunfermline, 16th October third year of the king's reign [1392], ... 29

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22. Charter by Walter [Traill], Bishop of St. Andrews, confirming to Sir John of Wemyss, lord of Kyncaldrum, the lands of Methkil, granted to him by Sir Alan of Erskine, lord of Inchmartyne, which were held of the bishop in chief. Dated at the bishop's manor of Inchemurthach, 20th March 1392, ... 30

23. Charter by Robert, Earl of Fife and Menteith, by which he gives and confirms to his well-beloved cousin, John of Wemyss, knight, for his homage and service, his lands of Inverleven, with the Westhaugh of Scoonie which formerly pertained to Thomas of Inverleven, and had fallen into the earl's hands by reason that they had been alienated without his licence; to be held to the said Sir John and the heirs-male begotten between him and Isabella, daughter of Sir Alan of Erskine, his spouse, whom failing, the right heirs of Sir John whomsoever, of the granter and his heirs, earls of Fife, in fee and heritage, for doing the services due and wont. Witnesses, Murdoch, son and heir of the earl, Sir John Stewart of Innermeath, and others. Indorsed 1395, ... 31

24. Charter by George of Dunbar, Earl of March, lord of Annandale and Man, granting to William and John of Inverleven, sons of the late Robert of Inverleven, the land called the Halgh, in the barony of Scoonie and earldom of Fife, which had been resigned in his hands by Thomas of Inverleven, grandfather of the foresaid William and John; to be held to them and their heirs, of the earl and his heirs, in fee and heritage, together with fuel in the earl's lands of Inverleven; for giving three suits at the earl's three head courts at Threpinche. Dunbar, 10th August 1395, ... 32

25. Charter by George of Dunbar, Earl of March, lord of Annandale and Man, to Thomas Sibbald, lord of Balgovyny, for his service, of the lands of Inverleven, in the earldom of Fife; which lands Thomas of Inverleven held of the earl, and had resigned in his Castle of Dunbar; to be held to Sir Thomas, his heirs and assignees, in fee and heritage, of the earl and his heirs, for giving three suits of court at the earl's three principal pleas, held at Threpehynche, if summoned, in name of recognition of the earl's lordship and token of vassalage, and forinsec service to the king. Castle of Dunbar, 9th May 1396. Witnesses, Patrick of Dunbar, the earl's brother, and others, ... 34

26. Charter by Walter [Traill], Bishop of St. Andrews, confirming the charter by Robert, Earl of Fife and Menteith, to Sir John of Wemyss, of the lands of Inverleven [No. 23 *supra*]. St. Andrews, 16th October 1396, ... 35

27. Retour of Inquest made before the sheriff of Fife by John of Balcolmy and other jurors, declaring that Margaret and Isabella Erskine, daughters of Sir Alan of Erskine, knight, and Isabella of Inchmartin, were their heirs in the lordship of the lands of Wemyss, and the lands of Petconochqwhy, in the shire of Fife, the former being held of the Duke of Albany by ward, relief, and common suit; and the latter of the king in barony by the same holding; and that the lands were in the hands of the superiors by death of the late Sir Alan,

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recognosced by the sheriff and serjeants by reason of ward for four or five days. Done at Carale (Crail), 26th May 1400, ... 36

28. Indenture between Sir John of Glen and Margaret, his wife, on the one part, and Sir John of Wemyss and Isabel, his wife, on the other part, made by Sir William of Dalyhel, knight, Alexander of Ogilvy, Sheriff of Angus, Wat of Ogilvy, and William of Fentoun, deciding that Sir John of Wemyss should give Sir John of Glen letters of attorney of the king's chapel, and letters of bailliary to answer and defend such lands as remained with the said Sir John of Glen, through exchange made between them of certain lands; and Sir John of Glen to give like letters to Sir John of Wemyss, the defaulter to pay all loss sustained through want of such letters. *Circa* 1400, ... 37

29. Notarial Instrument of Protest relating that Sir John of Glen, lord of Balmultow, attorney for Margaret, his wife, and for Dame Isabel, wife of Sir John of Wemyss, lord of Reres, presented a letter of sasine, sealed with the king's seal, sent from chancery, to the Duke of Albany, Earl of Fife and Menteith, that the Duke should give, or cause to be given, sasine of the lands contained in the letter to the said Margaret and Isabella, or their attorneys. After much discussion Sir John of Glen asked the Duke of Albany either to deliver sasine, or at least to deliver back the letter indorsed, both of which requests the Duke of Albany refused, upon which Sir John craved instruments. Linlithgow, 6th June 1400, ... 38

30. Notarial Instrument of Declinature recording the Duke of Albany's refusal to give sasine to Sir John of Wemyss in the lands of Wemyss as attorney for Isabella, his wife, and Margaret, the wife of Sir John of Glen. Falkland, 17th June 1400. Witnesses, Sir William of Keith, Marischal of Scotland, Robert of Keith, his son, William of Dyssintoun, knights, and others, ... 39

31. Instrument of Protest by Sir John of Erskine, Chancellor of Glasgow, on behalf of Sir John of Wemyss, lord of Reres, and Sir John of Glen, lord of that ilk, against the legality of a court of assize held by Robert, Duke of Albany, Earl of Fife and Menteith, regarding Robert of Livingstone's possession of a third part of the lands of Wemyss. The court was held at Camehill of Cupar in Fife, by Robert, Duke of Albany, who asked Sir John Wemyss and Sir John Glen whether they had any muniments showing that Sir Robert of Livingstone was not then in possession of a third part of the Wemyss, who answered through Sir John of Erskine, Chancellor of Glasgow, that they had such documents, but declined to show them because they were not lawfully cited, and it was not a lawful court, etc. 18th June 1400, ... 41

32. Retour of the service of Margaret and Isabel as heirs to their mother, Dame Isabel of Inchmartin, in the lands of Achlevyne and half davoch of land of Ardovyne, held of the lord of Garviach in chief, the former by service of blenchfarm and delivery of a penny yearly if asked, and the latter by service

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of sixth part of a suit at the three head pleas, and the sixth part of a "hobillar" for war, with ward and relief. The lands of Ardovyn [Achleven ?] were in the hands of Sir John of Wemyss and Sir John of Glen by reason of Margaret and Isabella their spouses by delivery of sasine of the lord of Garviach. And Ardovyn was in the hands of the lord of Garviach because of the death of Sir Alan of Erskine, who held it by reason of courtesy of Dame Isabel, his late spouse, who died two years before. Done at Inuerowry before John of Roos, bailie of Garviach, 8th September 1401, ... 42

33. Protection by King Robert the Third, directed to his brother, Alexander, Earl of Buchan, bailie of Athole, bearing that John of Wemyss, knight, had submitted to law, and given pledges, and the king had delivered to him to pledge all his own lands, and lands he had by reason of his spouse; therefore charging the earl not to molest the said Sir John's lands, or men, or goods within his bailliary contrary to order of law, and to return any maills or goods that might have been uplifted. Given under the quarter seal at Edinburgh, 24th May, 13th year of the king's reign, 1402, ... 44

34. Certificate by Walter Stewart, Earl of Athole and Caithness, given at the instance of Sir John of Wemyss, lord of Reres, and the lady of Glen, in which he bears witness that he was present at a meeting of council among other prelates, earls, and barons, held at Perth, where the Lord Governor accused Sir John of Wemyss of wrong in uplifting the maills of Wemyss to the sum of 1000 merks, to the hurt and shame of the governor. Sir John asserting he was lawfully entered on behalf of his wife and the lady of Glen, the decision was left to the Lords of Council at the proposal of the governor, who decided that Sir John had been lawfully entered to the lands of Wemyss on behalf of his wife and the lady of Glen, and no shame nor slander was done to the governor. To the truth of which the earl bears witness. Methfen, 26th July 1419, ... 44

35. Charter by Murdach, Duke of Albany, Earl of Fife and Menteith, and Governor of Scotland, giving to David of Wemyss, son of John of Wemyss of Rerase, knight, the lands of Tulibrek, Halch, Inverleven, Nether Cameron and mill, in the shire of Fife, which belonged to the said Sir John, and were resigned by him in the duke's hands, to be held to David of Wemyss and his heirs, of the duke and his heirs, Earls of Fife, in fee and heritage, reserving the frank tenement to the said Sir John, and giving the services due and wont to the superior. Inverkeithing, 23d October 1423, and witnessed by Alexander Stewart of Kinclavin, the governor's son, and others, ... 45

36. Obligation by David of Wemyss, son of Sir John of Wemyss, to Dame Christian of Douglas, wife of the late Sir William of Douglas, and the said David's intended spouse, to give her, in case of his death before taking sasine of his mother's lands, £40 worth of lands as the third of the same. Wemyss, 1st February 1423, ... 47

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37. Charter by Henry [Wardlaw], Bishop of St. Andrews, granting to David of Wemyss, son of Sir John of Wemyss, lord of Reres, and Dame Christian of Douglas, his spouse, the whole land of Methkil, which the said David held of the bishop and church of St. Andrews in chief, and had resigned in the bishop's hands, to be held to the grantees, the survivor of them, and the heirs of their bodies, whom failing, the nearest heirs of the said David whomsoever, of the bishop and his successors, and of the church of St. Andrews, in fee and heritage, for payment of £3, 17s. 8d. Scots at 'Martinmas, in name of kain, with common suit at the court of the regality, ward, and other service due and wont. St. Andrews, 4th February 1423, ... 48

38. Instrument of Sasine in favour of David of Wemyss, son of Sir John of Wemyss, lord of that ilk, and Dame Christian of Douglas, his spouse, of the lands of Methkyl. Sasine is given by Walter Broun, mair of the bishop, and proceeds on a precept from the bishop's chancery. At Methkyll, 6th February 1423, in presence of Andrew of Wemys, son of Sir John, and other witnesses, ... 50

39. Notarial Instrument of Protest against the infeftment of Robert of Livingstone, in the manor of Wemyss, relating the proceedings of John Skyrlyn, esquire, attorney of Dame Margaret of Glen, lady of Inchmartin, in regard to the sasine given to the said Robert Livingstone by John of Lumsden, sheriff of Fife; the said attorney attempted to enter the hall for the purpose of breaking the sasine, and being prevented by force by the said Robert Livingstone, he then broke the sasine at the door of the hall, and craved instruments. Done at the manor place of Wemyss, 12th October 1425,..... 51

40. Indenture between Sir John of the Wemyss and David, his son, on the one part, and John Melville, lord of the Raith, on the other part, by which the former grant to the latter the privilege of making a mill-dam for his mill of Pitconmark, making the lade from the loch of Lochgelly through Sir John's lands; the said Sir John and his tenants of Wester Raith, Glenniston, and Polgulde to be multured for this privilege at the mill at the 24th fat [peck], and be next at the hopper after the said John Melville's corns. Dysart, 12th June 1427,..... 52

41. Indenture of marriage made between Robert of Livingstone, lord of Drumry, and David of the Wemyss, lord of Methkill, by which, for the purpose of ending the discord and strife that has happened before between them and their friends, they agree that William of Livingstone, son and heir of the said Robert, shall marry Eufame of the Wemyss, daughter of the said David; and John of the Wemyss, son and heir of the said David, shall marry Isabel, daughter of the said Robert; and should any of them die, the marriage was to be fulfilled with the next son or daughter, 400 merks of penalty to be paid by the party failing, etc. Wemyss, 19th November 1428, ... 54

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42. Indenture between Robert of Livingstone, lord of Drumry, and David of the Wemyss, lord of Methkill, by which it is concluded that the said Robert shall have all the lands of the Wemis-schire from the Denburn of the Kirk-Wemis east, in fee and heritage; and the said David shall have all the lands of the Wemis-schire from the Denburn west, either party having freedom of peat, turf, heather, and fishing in the lands of the other outwith the chemyse or manor; with various articles regarding coal and salt-pans, etc. Wemyss, 19th November 1428, ... 55

43. Contract between Robert of Livingstone of Drumry and David of the Wemyss, lord of Methkyll, bearing that if the interchange of lands agreed to in the former charter should fail, Robert and his heirs should have as much of the lands of the Wemyss from the Dene-burne of the Kirk-Wemis west as pertained to the said portioners east, and retain it till he had what fell to him by the above interchange. 19th November 1428, ... 57

44. Obligation by David of Wemyss, lord of Methkill, to Thomas Charteris, lord of Cangnor, not to wadset his part of the lands of Ardergy for two years, on pain of 24 marks Scots. Perth, 10th December 1429,..... 58

45. Wadset by David of Wemyss, lord of Methkill, to Thomas Charteris, lord of Cangnor, of half the lands of Ardergy, in the shire of Perth, for £100 Scots, redeemable on repayment of that sum on the high altar of the parish church of Perth. Perth, 10th December 1429,..... 59

46. Acquittance by Hugh Fraser of the Lovat, sheriff-depute of Inverness, to his brother-in-law, David of the Wemyss, lord of that ilk, of the sum of 35 merks Scots, by way of marriage. Elthok, 10th December 1429,..... 60

47. Transumpt made by John of Hauched, notary at Achynlec, 22d September 1442, of a charter granted by Robert of Livingstone, lord of Drumry, to John of Wemyss, son and heir of the late David of Wemyss, of his lands of Raith, Glennistoun, and Polgulde, in the barony of Lochquhore, and shire of Fife, which belonged formerly to the said David and Dame Christian of Douglas, his spouse, by reason of conjoint fee, and which the said Christian in her widowhood had resigned in the hands of the granter; to be held to the said John and his heirs, of the granter and his heirs, in fee and heritage for ever, cum bondis et bondagiis et natiuis hominibus, as freely as the said David, or any of his predecessors, or the said Dame Christian, by reason of conjoint fee, for rendering to the king the service due and wont, and to the granter and his heirs one silver penny, in the church of Ouchterdera, at the feast of St. Martin in winter, if asked only, for all suit of court, ward, etc. Reserving the liferent of the foresaid lands to the said Dame Christian for her lifetime. Dated at Perth, 14th March 1431,..... 61

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48. Charter of Confirmation by Elizabeth of Valans, lady of Inchgall, in her widowhood, ratifying the grant made by William of Allardyce of Dunduff to John of Lumsden, sheriff of Fife, of the third part of the lands of Lochhead, held of the said Elizabeth in chief, on the west side of the barony of Lochquhore, in the shire of Fife; to be held to the said John and his heirs, reserving to the granter and her heirs the services due and wont. Dundee, 15th August 1432, ... 63

49. Protest in the Sheriff Court of Perth by Michael Wemyss, in behalf of John Wemyss, son and heir of the late David of Wemyss, to whom he was tutor, in reference to a claim by Sir Andrew Gray of Foulis for 115 merks, in default of a five merk ten shilling land. The protest is made against entering the cause at that court, because it touched the fee of the said John, who was under age; and against John of Spens, sheriff-depute of Perth, as suspect, because he would not receive pledges offered by the said Michael, etc. Perth, 18th November 1432, ... 64

50. Notarial Instrument relative to a contract of marriage between the son and heir of Sir Andrew of Ogilvy of Inchmartin, and Eufemia, daughter of the late David of Wemyss, by Christian, now the wife of Sir James of Auchinleck of that ilk, who required Sir Andrew to fulfil the appointment, who for certain causes could not fulfil the engagement as to the marriage, but offered to keep the appointment, which bore that, in default of the marriage, Sir Andrew should provide a husband to the said Eufamia, who could spend 200 merks yearly, or else pay 500 merks of penalty. Perth, 22d July 1443, ... 65

51. Notarial Instrument, containing a decreet diffinitive, by Nicolas Hunter, rector of the parish church of Forteviot, and John of Donyne, perpetual vicar of the parish church of Perth, and master in arts, bachelor in decreets, commissioners appointed by James, bishop of St. Andrews, in a cause contested between Sir Patrick Scot, vicar of the parish church of Rhynd, of St. Andrews diocese, on the one part, and Isabella, prioress, and the nuns of the monastery of Elcho, of the same diocese, on the other part, anent a petition for certain small teinds, with the "funeralia" of a certain woman buried within the said monastery of Elcho, claimed by the vicar as belonging to him and his vicarage, also on behalf of the prioress of Elcho and the convent, upon an apostolic privilege granted to the Cistercian Order of not paying teinds for their own culture [cultivated land] and animals, orchards, etc., and peaceful possession for forty years, which they asserted they had had for forty years and more. The commissioners absolve the said Isabella and nuns from all contained in the libel, and condemn Sir Patrick in expenses. Done in the chapel of St. Anne, in the burgh of Perth, in the usual consistorial place for such causes, 13th March 1444. Present—Robert of Tullous, official general of Dunkeld, James of Dalrympil, M.A., provost of the collegiate church of Abernethy, and others, ... 67

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52. Charter by Robert of Livingstone of Drumry, and of the barony of Lochore, granting to John of Wemyss of that ilk his lands of Wester Raith, Glennistoun, and Polgulde, in the barony of Lochore, and shire of Fife, formerly pertaining to the said John, and resigned by him at the granter's manor place of Wemyss; to be held to him and the male offspring begotten between him and Margaret of Livingstone, the granter's natural daughter, whom failing, the male offspring of the said John's body, whom failing, the female offspring of the said John and Margaret, whom failing, the nearest heirs of the said John whatsoever, of the said Robert and his heirs, in fee and heritage, for payment of a silver penny in name of blench-farm, at the chief messuage of the said lands at Whitsunday. Dated at the manor place of Wemyss, 13th March 1447, ... 69

53. Charter by King James the Second under the Great Seal to his well-beloved John of Wemyss of that ilk, of the lands of Wardrapstoun, with fishings, in the shire of Kincardine; lands of Balhawyle, in the shire of Forfar; lands of Strathardil, Inchmartyn, and Petmyddil, lands of Kynarde, Elchok, Balhabram, Ardargy, and Dron, in the shire of Perth; lands of Wemys, Tulybrek, Litill Lon, Cameron Myln, Hauch of Wemyss, Tarwate and Petconnoquhie, in the shire of Fife; which had belonged to the said John heritably, and were resigned by him at Edinburgh; to be held to the said John and the male offspring of him and Margaret of Livingstone, daughter of Robert of Livingstone of Drumry, knight, etc. (as in Charter No. 52 *supra*) of the king and his successors, in fee and heritage, for rendering service due and wont. Stirling, 20th April 1448, ... 71

54. Indenture made between Sir Andrew Ogilvy of Inchmartine, knight, David Ogilvy, his son, on the one part, and John Wemyss of that ilk on the other part, by which they agree to an exchange of lands, Sir Andrew and his son to have John of Wemyss' part of the lands of Inchmartine in fee and heritage, and John of Wemyss to have Sir Andrew and David's part of Vemschir, three-quarters of Dron, and the lands of Elcho; they further agree to abide at the decreet-arbitral of William Charteris of Kannor, and others, chosen for Sir Andrew and his son, and of Patrick Gray, son and apparent heir of Andrew, Lord Gray, and others, for John of Wemyss, for all questions connected with the exchange. Sealed at Perth with seals of parties and secret seal of the burgh, 11th May 1456, ... 73

55. Decreet-Arbitral pronounced by Patrick Gray, son and apparent heir of Andrew, Lord Gray, William Charteris of Cangnor, and others, arbiters mutually chosen (as in No. 54 *supra*), deciding that Sir Andrew and David shall have, in fee and heritage, all John of Wemyss' part of the lands of the lordship of Inchmartin, to be held of the king; and the said John shall have all Sir Andrew and David's part of their lands of the Wemis-schire in fee and heritage, the three-quarters of the lands of Drone for payment of 2 merks annualrent to David Boswell and his heirs, also Sir Andrew and David's parts of their lands of Elchok, to

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be held of the king; and since the said lands of the lordship of Inchmartin were held in blench-ferm, and Wemis-schire and the other lands ward and relief, John of Wemyss is appointed to have six merks' worth of land yearly of the wester town of Inchmartin, by charter and sasine under reversion, until Sir Andrew or David, or their heirs, obtain the said lands of Wemis-schire, etc., to be also held in blench-ferm, or else until the payment of 105 merks. The said John is further decerned to free to Sir Andrew and David the thirds of his part of the lordship of Inchmartin, belonging to him by reason of terce, for all the days of his mother's life, etc. Sealed at Perth with the arbiters' seals, and the secret seal of the burgh, 13th May 1456, ... 75

56. Indenture between John of Wemyss of that ilk, and Robert of Conyngham of Achinbowy, with advice of Sir John of Cokburn of Burntoun, knight, and others, by which the said John exchanges his lands of Ardergy, in the shire of Perth, for the part of the said Robert and Isabel Glen, his spouse, of the lands of the Wemys-schire, in the shire of Fife, with other conditions. Markinch in Fife, 15th November 1457, ... 80

57. Obligation by Christian of Ogilvie, daughter of Patrick Ogilvie of Ouchterhouse, knight, sheriff of Forfar, to John of Wemyss of that ilk, knight, to keep him and his heirs free and unharmed of any action, plea, or claim against him or his heirs, under pain of renouncing the £20 worth of land granted to her by the said John for restitution of her tocher and assythment thereof, and refunding all maills and rents paid by the lands. She also binds herself to ratify all writs made by Laurence, Lord Oliphant, and Walter Ogilvie of Oures, her procurators, to the said John. St. Andrews, 9th May 1463, ... 82

58. Instrument of Sasine, proceeding on a precept by James, bishop of St. Andrews, to Gilbert Kennedy of Kirkmychell, steward of the regality of St. Andrews, dated 25th April 1465; and secondly, a precept by the said Gilbert to Rob of Burn, mair of the regality, sealed, as is stated, with the seal of Alexander Kennedy, sheriff of Fife, eme or uncle of the said Gilbert, 26th April; for giving infeftment to John of Wemyss of that ilk, knight, son and heir of a noble dame, Cristian of Douglas, spouse of the late David of Wemyss of that ilk, father of the said John, of the lands of Methill. Sasine is given by delivery to him of earth and stone standing before the door of the principal manor place, and by his afterwards entering the house of the said manor place and the door being closed upon him. 2d May 1465, ... 84

59. Reversion by Dene John Foulys, sub-prior of the cathedral kirk of St. Andrews and convent thereof, of the order of St. Augustine, in the diocese of St. Andrews, and by Dene George Boys, sub-prior of the abbey of Lundores, and convent thereof, of the order of St. Benedict in the same diocese, with consent of the prior of St. Andrews and the abbot of Lundores, to Sir John of Wemyss, knight, of all right to the lands of Methill, on payment by him or his heirs of

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700 merks Scots on St. Catharine's altar in the cathedral kirk of St. Andrews, upon premonition of forty days. Dated at the cathedral kirk of St. Andrews and abbey of Lundores, 5th May 1465, ... 86

60. Charter by James [Kennedy], bishop of St. Andrews, with consent of his chapter, the prior and convent of the cathedral kirk of St. Andrews, to the sub-prior and convent of the same, of the half part of the lands of Methill, excepting the lands of Purny and Soitourland, in the regality of St. Andrews and sheriffdom of Fife, which belonged to Sir John Wemyss of that ilk, heritably, and were resigned by him into the bishop's hands as superior, for a mass to be celebrated daily, on St. Mary's altar in the said church, for the salvation of the bishop's soul and the soul of his mother Mariot; to be held to the sub-prior and convent, and their successors, sub-priors and convents, canons of the said church, for rendering to the bishop the kain and services due and wont. St. Andrews, 6th May 1465, ... 88

61. Charter by King James the Third under the Great Seal to John of Wemyss, son and heir-apparent of John of Wemyss of that ilk, knight, of the lands of Wardropstoune, with fishing thereof, in the shire of Kincardine; Balhawile, in Forfar; the third part of Strathardill, lands of Inchmartin, Petmyddill, and Kynnarde; sixth part of the lands of Elchok; sixth part of Balhabrame, in the shire of Perth; the half, with quarter of the lands of Drone and lands of Wemyss, with the pertinents in the shire of Fife; half of Elcho, Balhabram, and Ardargy, in the shire of Perth; fourth part of Drone, and lands of Tulibrek, Litil Lone, Cameroune Mylne, Halch, Wemys, Tarvate, and Petcomoquhy, in the shire of Fife: which lands of Wardropstoun, Balhawile, Strathardill, Inchmartin, Petmyddil, Kynnarde, Drone, Elchok, Balhabram, and Wemis, belonged heritably to the said John, elder; the lands of Elcho, half lands of Balhabrame and Ardargy, and quarter of Drone, Tulibrek, Litil Lone, Cameroun Mylne, Halch, Wemis, Tarvate, and Petcomochquhy, belonged to Margaret of Livingstone, daughter of the deceased Robert of Livingstone of Drumry, knight, and now spouse of the said Sir John of Wemyss; and were all personally resigned by the said John and Margaret at Edinburgh in the king's hands; to be held by the said John, younger, and his heirs, of the king and his heirs and successors, in fee and heritage, for payment of services due and wont; reserving the franktenement of Wardropstoun, Balhawile, etc., to the said John, elder; and of Elchok, etc., to Margaret of Livingstone, if she survived her husband. Edinburgh, 25th July 1468, ... 91

62. Charge under the signet to the Abbot of the Monastery of Lundores not to occupy the lands of Methill further than he had right to by law. [1465-1484], ... 94

63. Notarial Instrument bearing that in presence of James of Doless, notary, and witnesses, Friar Alexander Scrimgeoure, sub-prior of the cathedral church of St. Andrews, by mandate of William, prior and convent thereof, being forewarned by Sir John Wemyss of that ilk, knight, to appear at St. Katherine

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the Virgin's altar in the cathedral church of St. Andrews, to receive the redemption-money of the lands of Methill, and resign the right the prior and convent had to the same, and charters and evidents thereof, according to the tenor of the letter of reversion, passed to the said altar and declared himself prepared to receive the sum, etc. But seeing no money there, he protested that whatever the said Sir John should say or do there as to the redemption or regress to the said lands, should be no prejudice to the sub-prior and convent in time to come, 26th April 1470, ... 94

64. Notarial Instrument, recording that in presence of Sir David Kay, doctor of decreets and official principal of St. Andrews, the notary public, and witnesses, in a certain cause concerning the lands of Methill, with the pertinents, in the regality of St. Andrews and sheriffdom of Fife, by John Wemyss of that ilk, knight, pursuer, against the sub-prior and convent of the cathedral church of St. Andrews, defenders, judicially moved before the said official in the term assigned by him to the sub-prior and convent, for answering a certain schedule of interrogation drawn up and presented by the said knight. Compeared Sir Robert Diksone, priest, as procurator for the said knight, and craved from Friar Alexander Skrymgeour, sub-prior of the said monastery, and Mr. Alexander Schewes, syndic of the same, there present, their answer to the interrogation delivered to them in writing by the said knight. And the syndic handed over the answer of the sub-prior and convent in writing, a copy of which Sir Robert craved from the official, who allowed the same; and Sir Robert also craved the notary to insert the tenors of the schedules of interrogation and answer in the instrument, whereto he assented. The schedule of interrogation is as follows:—"I, Johne of Wemis of that ilk, knicht, askis at you, supprior ande convent of the cathedraile kirk of Sanct Androis, quhethire ye deny or grawntis the entres and possessione of the wedset of the half of the landis of Mythill, with thar pertinence, liande in regalite of Sanctandrois, and within the schirreffdome of Fiff, ande quhethire ye graunt the occupacione of the saide landis, ande the resaite of the froytis and proffetis tharof, in ony tymys passit, the quhilk wedset, be law of oure modir haly kirk, is werre cryme of okire, as is oppinly knawin til al the membris of haly kirk." The schedule of answer of the sub-prior and convent is also engrossed, as given before Sir David Kay, doctor of decreets, treasurer of Dunblane, etc. To the first query, the reply is that the said prior and convent never had or received any possession of wadset of the half of the foresaid lands. To the second, whether they granted the occupation of the said lands, and receiving the fruits thereof, they answer No; and to the part of the query charging them with usury, the answer is that from the lands they never received a penny nor pennyworth, and therefore had committed no usury. Witnesses, John Wemis, son and apparent heir of Thomas Wemis of Reres, knight, and others. Done in St. Leonard's Church, in the city of St. Andrews, 8th June 1470, ... 96

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65. Contract between John of Wemyss of that ilk, knight, and John of Wemyss of Strathardill, his son and apparent heir, on the one part, and Andrew of Kynnynmonde, apparent heir of that ilk, on the other part, by which the said Andrew agrees to marry Agnes of Wemyss, daughter of John of Strathardill, within forty days after being shown the dispensation, and being required thereto; the said John, elder and younger, to pay 600 merks Scots with the said Agnes, and to procure a dispensation at their expense, and to support the said Andrew's and Agnes' household for two years after the marriage. Wemyss, 13th April 1482,..... 98

66. Notarial Instrument, certifying that in presence of a notary and witnesses, John Wemyss of Strathardill, son and heir of John Wemyss of that ilk, knight, before the door of the parish church of Kirkwemys, caused to be read and published a dispensation by Pope Sextus the Fourth, directed to Andrew, bishop of Orkney, for the number of fifty persons that they might be united in matrimony; in virtue of which the said bishop had dispensed with Andrew Kynnynmont of that ilk, and Agnes, daughter of John Wemyss of Strathardill, who were related in the fourth and fourth degrees of consanguinity, as clearly appeared in the letters of dispensation made thereon. On which publication the said John craved instruments. Done in the kirk-door of Kirkwemys, 4th June 1482, in presence of Michael of Livingstone, vicar of Wemyss, and others, ... 100

67. Notarial Instrument, bearing that in presence of a notary and witnesses, Mr. Thomas Tod, procurator for Sir John Wemyss of that ilk, knight, after the reading of his procuratory by the notary in the pulpit of the cathedral church of St. Andrews, in the time of high mass on the Lord's Day, warned Sirs William Carmichell and William Coupar, sub-priors of the monasteries of St. Andrews and Lundores, and convents thereof, to compear in the cathedral church of St. Andrews, at the altar of St. Katherine the Virgin, on premonition of forty days, to receive the sum of 700 merks Scots for redemption of the lands of Methill, with charters and instruments made thereon, to the lord of Wemyss, or to his procurator, according to the tenor of the reversion made thereupon. Done in the cathedral church aforesaid, 21st March 1484, ... 101

68. Notarial Instrument of Redemption, narrating that in presence of a notary and witnesses, Mr. John Listoun, professor of Sacred Theology, and provost of the collegiate church of St. Salvators, in the city of St. Andrews; Henry Were and Hugh Spens, canons of the said college; Sir John Thomson, rector of Inueraride, executor of the testament of the late James Kennedy, bishop of St. Andrews; Mr. James Quhite and Sir David Hargat, chaplains of the said college church; Sir Andrew Wyntoun, sub-prior of the monastery of Lundoris, and procurator for the convent thereof; and Gilbert Kennedy of Kirkmychel, procurator of the monastery of St. Andrews, and convent thereof—acknowledged the receipt of 700 merks Scots from John Wemyss of that ilk,

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knight, for redemption of the lands of Mythikil, in the regality of St. Andrews and shire of Fife, formerly alienated to the said monasteries, and afterwards transferred to the college and chaplains foresaid, according to the letter of reversion of the said monasteries made to him, surrendering the said lands, etc., and appointing Archibald Foster of Corstorphine, Robert Logan of Lestalrig, John Wemyss of Reras, and others, their procurators, to resign the lands. Done in the cathedral church of St. Andrews, 30th April 1484. Witnesses, Robert Keith, rector of Kennettillis; Michael Wemyss, vicar of Wemyss, etc.,..... 102

69. Procuratory of Resignation by Andrew Wyntoun, sub-prior of the monastery of Lundoris, of the order of St. Benedict, of St. Andrews' diocese, and convent thereof, with consent of Andrew, the abbot, appointing Archibald Froster of Corstorphine and others their procurators for resigning the lands of Mythill, in the hands of William (Schives), archbishop of St. Andrews, as superior, and consenting that the said lands should return to Sir John Wemyss of that ilk, knight, in the former state as before their alienation, etc.; the said knight having paid them the sum of 350 merks, as contained in their reversion. In witness whereof, the common seal of the chapter is appended at the said monastery, 2d May 1484,..... 105

70. Instrument of Resignation made by Mr. William Auchlek, procurator, in name of the sub-prior and convent of the monastery of Lundores, with consent of their superior, Andrew, abbot of Lundores, who compeared before William, archbishop of St. Andrews, and resigned the lands of Mythyll; and similarly the said William, as procurator, in name of the sub-prior and convent of the monastery of St. Andrews, and as procurator for the provost of the college kirk of St. Salvator, and chaplains thereof, resigned the said lands in the archbishop's hands, who thereafter gave and delivered the said lands to Thomas Symsoune, sheriff of Fife, procurator in name of John Wemyss, son and heir of Sir John Wemyss, knight, according to the tenor of the charter made thereon; reserving the franktenement thereof to Sir John Wemyss, knight, for his lifetime; and also reserving for her claim of right to Margaret, spouse of the said Sir John Wemyss, knight, ten merks worth of the said lands of Methyll yearly, to be freely disponed by her and her assignees according to the tenor of the charter to be made thereupon; and the archbishop delivered to Robert Livingstone, procurator, in their names, the foresaid franktenement and ten merks worth of land. Done in Edinburgh, in the chamber of the archbishop, 14th May 1484, in presence of John Scheues, John, Lord Carlyle, and others,. 107

71. Precept of Sasine by William [Schives], archbishop of St. Andrews, directed to his brother, Henry Scheues of Gilquhus, his steward, to give sasine to his well-beloved esquire, John Wemyss, son and apparent heir of Sir John Wemyss of that ilk, knight, of the lands of Methill, which had been wadset to the abbot and convent of Lundores, and to the provost of the collegiate church of St. Salvators, within the bishop's University of St. Andrews, and were resigned

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by them; reserving the frankteneement to Sir John Wemyss, and ten merks annually, to be uplifted forth of the same, to Margaret, spouse of the said Sir John. Edinburgh, 2d November 1484, ... 109

72. Bond of Manrent by John Melville, son and apparent heir of William Melville of the Raith, by which he becomes man, in manrent and service, peace and war, to Sir John Wemyss of that ilk, knight, his "derest master," for all the days of his life, his allegiance to the king and to his own "foresestouris" excepted; and in case of the death of his father, obliges himself to become bound in like bond of kindness, supply, and manrent to Sir John, as his father was at the making hereof. Leith, 16th August 1487, ... 109

73. Charge by King James the Third, on the information of Mr. David Meldrum, official principal of St. Andrews, invoking the arm of royal majesty for the help of holy mother church, because Andrew Oliphant, son and apparent heir of Walter Oliphant of Newton, had remained contumaciously under sentence of excommunication for forty days, therefore charging the Sheriff of Perth, or his bailies, to apprehend the said Andrew wherever he could be found. Edinburgh, 24th March A.R. 28 [1487-8], ... 111

74. Instrument of Protest, made in presence of Mr. David Meldrum, canon of Dunkeld, and official principal of St. Andrews, of a notary and witnesses, by John Wemyss of that ilk, knight, who asserted he was ready to find cautioners to Margaret Wemyss, his pretended spouse, for her tocher, if he received any with her, and protested that he would not thenceforward be answerable for her expenses. Done in St. Leonard's Church, St. Andrews, 3d August 1489, ... 111

75. Indenture between John of Wemyss of that ilk, knight, and Dame Margaret of Livingstone, sometime spouse of the said John, that whereas the said knight had resigned the lands of the barony of Elchok, lands of Balhabram, Ardargy, Lytillwne, Cameroun Myln, the Hauch, and Pytconnoquhy, in favour of Dame Margaret, in her virginity, whereon the king had given charter and possession to her, which gift Sir John hereby confirms; they now agree to make exambion of her said liferent lands of Elchok, Balhabram, etc., for the lands of Balhawal, Wardraparstoun, Strathardill, and Kynnarde, and the Hauch, which she is to possess instead. St. Andrews, 25th October 1489. Witnesses, David Meldrum, official of St. Andrews; Dene Walter Davidson, prior of May; Mr. Hew Douglas, dean of Brechin, and others, ... 112

76. Extract Decree by the lords of council in the cause pursued at the instance of Robert Livingstone of Drumry, knight, son and heir of the deceased William Livingstone of Drumry, against John Wemyss of that ilk, knight, son and heir of the late David Wemyss of Methill, and John Wemyss of Strathardill, knight, son and apparent heir of the said John, that is to say, John Wemyss, frankteneementar of the lands of Wester Wemyss, for withholding from the said Robert, as heir of his father and grandsire, the third part of the coal and salt

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found and laboured within the west part of the lands and lordship of Wester Wemyss. The lords decern the said Robert to quitclaim the costs incurred by the said John of Wemyss, elder and younger, in labouring the coal and salt, the third part of the profit of six salt-pans, and the third part of a continual coalheuch in the bounds of Wester Wemyss for any time bygone; and in time coming to have the third part of the profits of all the coal and salt found in the west part of the lordship of Wemyss, the third part of six salt-pans, and the third part of a continual coalheuch, paying his proportion of working expenses, according to the indenture, dated 19th November 1428 (No. 42 *supra*). Reserving the rights of third portioners of the Wemyss. Edinburgh, 23d July 1501, ... 115

77. Procuratory by John of Wemyss of that ilk, knight, by which he constitutes Mr. Henry Quhyt, parson of Rothas, Mr. Thomas Alane, Mr. William Dunbar, James of Dunbar, and Thomas Butlar of Rumgawe, his procurators, to compear before the king and lords of council, at Edinburgh, or where they shall be for the time, on the 20th February next, to pursue Andrew Kininmont of that ilk, John of Wemyss of Stratharl, knight, Henry Hakkat of Petferane, Jonet Ros, the spouse sometime of James Olyphant, and Henry Ramsay, sheriff-depute to Andrew Lundy of Balgony, sheriff of Fife; that is to say, the said Andrew Kininmont to hear and see the decreet given by the lords of council adjudging the said John of Wemyss to pay to the said Andrew the sum of 396 merks Scots, as surety on behalf of John of Wemyss of Stratharll, knight, for completing the marriage between Agnes Wemyss, daughter of the said John of Wemyss of Stratharll, knight, and the said Andrew, to be cassed and annulled, and Sir John Wemys of Stratharll to warrand and relieve the said John of Wemyss of the said sum at the hands of Andrew Kininmont. "And the said Schir Johne of Wemys of Stratherll and Charlis, his sone; that is to say, the said Schir Johne of Wemys, for the wrangwys spolyacioun, away takin and withthaldin fra me furth of my place of Elchok and Camroune myll of xxv bollis of mel and v bollis of bere;" and the said Charles Wemyss, for the wrongous spoliation of two horses; and Sir John of Wemyss of Stratharll and David Wemyss of Drone, the former "for the wrangwys away takin and wythtaldin fra me furth of my place of the Wemys, out of my cownt bord, of certane charteris, evidentis, preceptis of sesing, and instrumentis of sesing, letteris of reuercioune;" and David Wemys, for his interest, that he has, or pretends to have, in the lands of Tulybrek; and to pursue the said Janet Ross for wrongous occupation of the one half of the lands of Ardargy, in the sheriffdom of Perth; and Henry Hakkat, for wrongous occupation of the lands of Petconowchive; to make litiscontestations, "the ath of suffastnes in my saule to suere," etc. St. Andrews, 15th February 1501,[1] 117

78. Letters by James, archbishop of St. Andrews, primate of Scotland, legate of the apostolic see, Duke of Ross, etc., appointing David Wemyss, eldest son and

[1] Original Procuratory in Charter-chest of Lady Elizabeth Leslie Melville Cartwright.

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heir of John Wemyss of that ilk, executor-dative of Sir John Wemyss, his grandfather, who had nominated executors in his will, but they refused to act. Dunfermline, 13th May 1502,..... 119

79. Instrument of Intimation by which David Balfour of Caristoun, on behalf of Sir John Wemyss of that ilk, makes notification to Sir Robert Livingstone of Drumry, that Sir John was prepared to obey the king's letters directed to him respecting the third of the profit of the coal and salt got within the lordship of Wester Wemyss, pertaining to Sir Robert, and requiring him to compear and receive count and reckoning of the same. Done in St. Mary's aisle in St. Giles's church at Edinburgh, 8th May 1504, ... 121

80. Decree-arbitral by David Betoune of Creich, Richard Lausonne of Hieriggis, Mr. James Hennersoune and Mr. Henry Quhite, parson of Symodois [St. Madoes], arbiters chosen between Sir Robert Livingstone of Drumry, knight, on the one part, and Sir John of Wemyss of that ilk, knight, on the other part, anent the expenses laid out by Sir John upon the new coal heugh of Wemyss wrought by him; for the third part of which expense he seeks to be reimbursed by the said Sir Robert, because the latter claimed a third part of the profit, and also anent the third part of all the coal and salt taken up by the said Sir John since the decreet given in the principal matter claimed by the said Sir Robert to pertain to him; and also anent the £19 that Sir John was adjudged to pay to the said Robert, declaring that all the third part of the coal and salt taken up by Sir John previous to the date of these presents, shall be remitted for the third part of the expenses incurred by him in the "wynnyng of the new coleheuch," together with the said £19; and also that the said Sir Robert shall be at liberty to enter a man or more if he chooses to take up the third part for himself, and to have such profit as Sir John takes for his two parts, etc. Edinburgh, 7th June 1504, ... 122

81. Inquest of Apprising held by Henry Ramsay, sheriff-depute of Fife, and a jury, who apprise the lands of Hauch and Petconnoquhye, pertaining to John Wemyss of that ilk, knight, for the sum of 240 merks, every merkland for 20 merks, to Andrew Kynnynmont of that ilk, knight, for such sum due to him by the said Sir John for the marriage of the late Agnes Wemyss, in virtue of the king's letters of compulsion directed to the sheriff of Fife, for distraining Sir John's goods or apprising his lands for the debt in default of moveable goods. The sheriff-depute, after offering the lands at the apprised value, in default of a purchaser, assigned them to the said Andrew for the foresaid sum. Done in the Sheriff Court of Fife, in the Tolbooth of Cupar, 22d April 1505,... 124

82. Discharge by William Scott of Baluery, knight, to John Wemyss of that ilk, knight, for 29s. 7½d. of the maill of one-eighteenth part of the Wemyss pertaining to him for the two terms preceding the date of the acquittance. Edinburgh, 20th December 1507, ... 126

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83. Retour of Inquest held before Andrew Lundy of Balgony, knight, sheriff of Fife, and Henry Ramsay, his depute, by John Myrton of Randalstone, John Multray of Markinch, and other persons of inquest, who find that John Wemyss of that ilk, father of David Wemyss, died last vest and seised of a half and a fourth of the lands of Wester Wemyss, Coifhead, Newtone, Denburne West, the manor place of Wester Wemyss, the two-part of the coal and salt in the lands of Easter Wemyss and Denburne East, the lands of Dunipace, Little Lovne, Cameron Mill, and lands of Tulibrek; that the said David is nearest heir of his father and of lawful age; that the lands were all held of the king in chief by service of ward and relief, and had been in his hands for eight weeks since the decease of the said John. Cupar, 1508, ... 127

84. Signature by King James the Fourth, directed to William [Elphinstone], bishop of Aberdeen, keeper of the privy seal, charging him to direct a precept, under the privy seal, to the keeper of the great seal, for preparing a charter of confirmation of a charter by William Scott of Balwery, knight, to David Wemyss of that ilk, of the eighteenth part of West Wemyss, reserving the rights and services due to the king. Edinburgh, 18th July, A.R. 21 [1508], ... 128

85. Receipt by Robert Cunningham of Polmaise, son and heir of Alexander Cunningham of Polmaise, knight, to David Wemyss of that ilk, for ten merks Whitsunday maill of his lands of Wemyss, Elcho, and Balhabram. Perth, 26th June 1511, ... 129

86. Charter by King James the Fourth, granting to David Wemyss of that ilk, knight, the lands of Wemys-schire, Little Lone, Tulibrek, Camroun Mylne, le Halch, Donyface, Petconnochy, Wester Tarvet, Wester Drone, and Hildrone, in the shire of Fife; Elchok and Balabrahame, third part of Strathardill, half of Ardargy, lands of Kynnard, in the shire of Perth; Balhalwell, in the shire of Forfar; with advocation and donation of churches, etc., which belonged to the said David heritably, and were personally resigned by him in the king's hands at Edinburgh: The king, for the special favour which he bore towards the said David, united all the foresaid lands into one whole and free barony to be called the BARONY OF WEMYSS in all time coming, the castle of Wemyss to be the chief messuage, a single sasine taken there being sufficient: also giving the said David and his heirs liberty of erecting the Havin Tovne of Wemys, the Kirkhill of Kirkmichael, Ballinkillie, and Ballynnald, as free burghs in barony, with market crosses, weekly markets, and public fairs twice a year, at such times as the said David and his heirs should think expedient, etc., with power to lease roods, tofts, and tenements in feufarm for sums of money or burgh maills; reserving to the king and his successors customs of merchandise sold in the said burghs; provided the bailies, etc., use no jurisdiction save what had been conditioned to them by the said David or his heirs, and inserted in their infeftments: The king further, for the good services done him

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by the said David, and to remove all question as to any rights the king might claim in the said lands, grants to him all right he or his heirs might have to them through reason of forfeiture, and specially notwithstanding the forfeiture of the deceased Murdach, Duke of Albany, Earl of Fife and Menteith: to be held to the said David and his heirs of the king and his successors in fee, heritage, and free barony and free burgage for ever, for rendering three suits of court at the three head pleas of the sheriffdoms in which the lands lay, with ward, relief, and marriage, when they occurred; with the condition that, when the barony fell in ward to the king, the burgesses and inhabitants of the burghs should not remove from their tenements held in feefarm or burgage, but pay their burgh maills to the king and his successors during the time of ward and non-entry. Witnesses, Alexander, archbishop of St. Andrews, chancellor, William, bishop of Aberdeen, keeper of the Privy Seal, etc. Edinburgh, 28th August 1511, ... 130

87. Indenture made between Henry, Lord Sinclair, on the one part, and David Wemyss of that ilk, knight, with David Wemyss, his son and apparent heir, on the other part, whereby the said David, younger, agrees to marry Katharine Sinclair, daughter of the said lord, and Sir David agrees to give his son and spouse, in conjoint fee, the lands of Drone, and hill of Drone, with ten merks' worth of his lands of Strathardill, because of a wadset on the hill of Drone for 200 merks. Lord Sinclair agrees to pay 900 merks in tocher with his daughter, while Sir David binds himself not to alienate any of his lands from his son and his spouse above the 40 merks' worth for Janet Gray, now spouse to the said Sir David, and her bairns, without consent of Lord Sinclair or David, his son: a dispensation and conjunct-feftment are to be obtained at Lord Sinclair and Sir David's expense, but should any cause of divorce or impediment arise after marriage, dispensations are to be procured by the younger David, under a penalty of 3000 merks, and the same penalty in case of alienation of any of the lands, etc., with mutual bond of maintenance. Edinburgh, 27th January 1511, 135

88. Decree-Arbitral given by Mr. George Hepburne, dean of Dunkeld, Adam Hepburne of the Crags, Sir Adam Lawder, provost of Edinburgh, the Laird of Balwery, overman, and others, defining the marches between the barony of Dysart and Wester Wemyss, which were in debate between Henry, Lord Sinclair, and Sir David Wemyss of that ilk, knight, as expressed in the decree, and dividing the moor from the Bog of Kildaff to Bagtoune Moss, and ordaining crosses of stone, coal, and salt to be set up to preserve the marches, etc. 20th March 1511 [Old copy], ... 139

89. Reversion by Robert Cunningham of Polmaise to David Wemyss of that ilk, knight, and his heirs, of the sixth part of his lands of the Wemyss in the shire of Fife, the sixth part of Elchoth and Balhabraham, with the mill of Elchoth in the shire of Perth, on payment of six score ten merks, twenty days'

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warning being given in the parish church of St. Ninian to receive the money on the high altar of the parish church of Dunfermline. Edinburgh, 25th February 1512, ... 140

90. Bond of Maintenance by James [Beaton], archbishop of Glasgow, chancellor of Scotland, to his kinsman, David Wemyss of Wester Wemyss, who had become his man and servant. Edinburgh, 16th July 1515, ... 141

91. Discharge by James, postulate of Dunfermline, and one of the general receivers of the casualty in name of the king, to David Wemyss of that ilk, of £166, 13s. 4d. Scots, as part payment of composition for the slaughter of William Moffet. Edinburgh, 11th September 1515, ... 142

92. Remission by King James the Fifth to David Wemyss of that ilk, Robert Dury of that ilk, and thirty-two other persons, for the slaughter of William Moffet. Edinburgh, 19th October 1516, ... 143

93. Lease by James, Earl of Arran, with consent of Jane, Countess of Arran and Lady Wemyss, his wife, to David Wemyss of that ilk, and his heirs, of the earl's third part of the coals, coalheughs, kane-salt, and pan maills of Wester Wemyss for seven years for £50 Scots of maill yearly. Glasgow, 7th September 1520. A note at the end limits the tack to three years, notwithstanding seven is inserted in it, ... 144

94. Instrument bearing that Sir David Mowtray, vicar of Carnbe, and Mr. John Spens, vicar of Quhiltis, chaplains, on behalf of David Wemyss of that ilk, for the purpose of redeeming the lands of the towns of Poguild, Wester Raith, and Glennestoun, in the sheriffdom of Fife, from the hands of William Scott of Balwery, knight, and placing the sums of money in the college of St. Salvators, founded in the city of St. Andrews, according to the tenor of a reversion by the said William, knight, to the late David Wemyss of that ilk, knight, told down certain sums of money, and produced a letter of assedation made by David Wemyss, now of that ilk, to the said William Scot, knight, of the said lands, also according to the terms of the said reversion. The sums of money were 118 unicorns and a half unicorn in gold, 82 French ecus of the sun and of weight, 66 French ecus light, 19 golden "guidlennis," 9 French ecus of the king of weight, 26 gold ducats of weight, 3 lions light and 1 of weight, 3 gold angels and a half, 3 gold "riders" and a half, a half noble of Henry of weight, two ducats light and a half-crown Scottish of St. Andrew in gold, also 107 li, 15 shillings current money in gold and silver, extending in all to 600 merks Scots and more; which sums, with the letter of assedation, the procurators put into a box, and passing to the college of St. Salvators, delivered them in deposit and custody of the provost and canons of the college in the same and charterhouse thereof, and left them there. Done at the city of St. Andrews, in the chamber of Mr. John Spens, in the college of St. Salvators and charterhouse aforesaid, 16th May 1521, ... 146

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95. Summons against William Scot of Balwery, knight, William Scot of Inverteill, and Thomas Scott, his sons, to compear before the king and council at Edinburgh, on the 1st February next, to answer at the instance of David Wemyss of that ilk, for casting down a house belonging to him, on his lands of Wester Raith at the lochside of Lochgelly, on 28th June last, and taking possession of the fishing of the same, estimated to £40 damage, which house and fishing had been peaceably possessed by David Wemyss, father of the complainer, who died under the king's father's banner "in the feild of Flodoun." Given under the signet at Edinburgh, 2d January A.R. 9 [1521-2]. An indorsation bears that the summons was served on the 7th, and the witnesses summoned on the 8th of January, ... 148

96. Letters of Lawborrows raised at the instance of David Wemyss of that ilk and James Lundy of Balgony against William Scott of Balwearie, William Scott of Inverteill, knight, his son, and Thomas Scott, also his son, and their friends, under penalty of £2000 Scots for the said William Scott and Sir William, his son, £500 for Thomas Scott, and smaller sums for their friends and accomplices, for their peaceable behaviour towards the said David Wemyss and James Lundy, against whom similar letters of lawborrows had been raised at the instance of the said William Scott of Balwearie, etc. Given under the signet at Edinburgh, 9th August, A.R. 12 [1525], ... 151

97. Receipt by Margaret Livingstone, lady of Drumry, with consent of James Hamilton of Fynnart, knight, her spouse, and also of James, Earl of Arran, to David Wemys of that ilk for £100 Scots for the third of two years of the coal of West Wemyss pertaining to her for 1523 and 1524. Hamilton, 4th November 1525, ... 153

98. Assignation by Margaret Livingstone, wife of Sir James Hamilton of Fynnart, knight, daughter and heir of the late Sir Robert Livingstone of Drumry, to James Colville of East Wemyss, of her third part of the profits of the moor of Wemys-schire, that is grass, pasturing of cattle, profits of lands riven forth of the moor, profits of havens in the bounds of West Wemyss, etc. Linlithgow, 3d January 1531, ... 154

99. Lease by James Colville of East Wemyss, comptroller to King James the Fifth, to David Wemyss of that ilk, of his third of the coalheugh of West Wemyss for three years, for £50 Scots yearly, with £10 more if there should be 12 salt-pans going. East Wemyss, 27th July 1534, ... 155

100. Acquittal by John Betoun of Creich, justice-general of the regality of St. Andrews, of David Wemyss of that ilk from the accusation brought against him of cruelly invading David Barclay of Cullerny, his servitors, and accomplices, by himself, his servitors, and accomplices, within the palace, or cloister, and city of St. Andrews, on the 13th of May 1527, who was tried by an assize for the same in the justice-eyre of the regality held at St. Andrews, 15th January 1534, and found guiltless, ... 156

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101. Precept of Cognition of the marches of the barony of Elcho, in the shire of Perth, bearing that the barony belonged to David Wemyss of that ilk in heritage, which his deceased stepmother, Janet Gray, had "broukat in conjunct fee and in contentation of hir terce sen the feild of Flodoun, and deit in October last bypast," that she had allowed Alexander Dundas of Fingask and the tenants of his lands adjacent to Elcho to cultivate the marches, and that through this the said Alexander now tried to appropriate them to himself; the king therefore charges his sheriff of Perth to call parties and take cognition in the matter, and if they find the said Alexander has "wrangnuslie" seized the marches, to cause him to desist, and pay the damages and loss sustained. Given under the signet at Edinburgh, 5th August A.R. 27 [1540],... 157

102. Charter by David [Beaton], presbyter cardinal of the holy Roman Church, with title of St. Stephen in Monte Celio, archbishop of St. Andrews, primate of all Scotland, legate nate of the apostolic see, administrator of the church of Mirepoix in France, and perpetual commendator of the monastery of Abirbrothok, granting to David Wemyss of that ilk and Marion Tovris, his spouse, the longer liver of them, in conjunct fee, and heirs whomsoever of the said David, his lands of Methill and Pyrne, with corn and waulk mills and mill lands of the same, in the regality of St. Andrews and sheriffdom of Fife, which lands belonged to the said David heritably, and had been resigned by him on the same date in the cardinal's hands, to be held of the granter and his successors, archbishops of St. Andrews, in fee and heritage, for rendering the rights, burdens, services, and kane due and wont. Kyngourn Easter, 2d November 1542. Witnesses, Andrew, bishop of Whithorn and the Chapel Royal of Stirling, George, Earl of Rothes, Lord Leslie and Sheriff of Fife, Robert Aytoun of Inchderny, and John Ibdy. Subscribed by the cardinal. Seal remaining, ... 158

103. Letters by David [Beaton], cardinal, archbishop of St. Andrews, and primate of Scotland, etc., appointing John Wemyss executor-dative to his late father, David Wemyss of that ilk. Dated at the castle of St. Andrews, 27th May 1544, ... 161

104. Letters under the signet of Mary Queen of Scots, signed by James, Earl of Arran, governor, charging John Wemyss of that ilk to hold courts of justice for his tenants, and dispensing with the feriat time of harvest. Edinburgh, 18th August 1544, ... 166

105. Retour of Service of John Wemyss of that ilk as heir to his paternal aunt, Elizabeth Wemyss. Cupar, 26th August 1544, ... 167

106. Retour of General Service of John Wemyss of that ilk as the nearest agnate above twenty-five years of age of David Wemyss, son of the late David Wemyss of that ilk. Cupar, 26th August 1544, ... 168

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107. Retour of the service of John Wemyss as heir to his father, David Wemyss of that ilk. Cupar, 19th February 1544-5, ... 169

108. Instrument of Protest recording that in presence of Andrew Kirkcaldy, notary, and witnesses, Griselda Wemyss, relict of the late Andrew Kynnynmont, protested at the coalheugh of Drumdonald to the colliers and servitors of the Laird of Balmowto that he did her great wrong in labouring the coalheugh, which was within the marches of Powguld pertaining to her, and protested for remedy of law. 21st October 1545, ... 170

109. Bond of Maintenance by David Beaton, cardinal, archbishop of St. Andrews, etc., to John Wemyss of that Ilk, engaging to defend and maintain him and take his part in all actions and quarrels, lawful and honest, in defence of his person, lands, and heritages against all persons except the Queen's grace and the crown of Scotland, in consideration of a bond made by the said John Wemyss to take the archbishop's part in all his actions and causes in defence of his person and honour, prelacies, benefices, and goods. Sealed with the cardinal's round seal at the castle of St. Andrews, 9th November 1545, ... 170

110. Charter by George Clapperton, provost of the college church of the Holy Trinity, near Edinburgh, and prebendaries and chaplains thereof, with consent of Queen Mary, their patron, and her governor, and of David, archbishop of St. Andrews, cardinal and legate ordinary, for augmentation of rental by the sum of 20s. Scots, and great sums paid to them by John Wemyss of that ilk, letting to him in feu-farm, and to his heirs and assignees, the kirklands of Easter Wemyss and lands of Kirktoun, excepting the chief mansion of the vicar, with croft pertaining to the same, also chamber and garden, with two acres of land occupied by the vicar pensionary of the said church, to be held to the said John Wemyss, his heirs and assignees, of the granter and his successors in feu-farm and heritage, for payment yearly of 38 merks 10s 6d for ferm of money and grassums computed together, as paid formerly, with 20s of augmentation, with a duplicand at the entry of every heir. The lease to become null in case of molestation by the said John or his heirs to peaceable possession of the fruits of the vicarage, etc., or failure in payment of the feu-farm. Sealed with the seals of the chapter, the privy seal of the princess, and seal of the cardinal, and subscribed by the provost and prebendaries, the governor and cardinal, at Edinburgh, 24th January 1545-6, ... 172

111. Extract Retour of Inquest held before David Speus of Wylmastoun, sheriff-depute of Fife, for serving John Wemyss of that ilk as heir to his father, David Wemyss of that ilk, in the lands and barony of Wester Wemyss, called Wemys-schyre, with annexes and pendicles, viz., lands of Wester Wemysstoun and burgh thereof, coalheughs and saltpans, lands of Little Lvn, mill of Cameroun, lands of Donyface, Pettonowye, Wester Tervat, Wester Drone, and Hildrone in the shire of Fife; third of the lands of Strathardil, half of Ardargy,

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lands of Kynnard in the shire of Perth, and by annexation to the barony in the shire of Fife; lands of Povgulde, Little Raith, and Glennistoun, and sixth part of Wester Wemys that formerly belonged to Robert Cunynghame of Polmais, in the shire of Fife; the said John being of lawful age. The barony of Wester Wemyss is declared to be worth £247 Scots, and in time of peace £49, 5s., etc. All held of the queen by service of ward and relief, and had been in her hands for one year and nine months since the death of David Wemyss of that ilk. Held in the tolbooth of Cupar, 2d March 1545-6, ... 175

112. Gift by Patrick, Earl Bothwell, admiral of Scotland, to John Wemyss of that ilk, his heirs, and assignees, of a pinnace that was wrecked at St. Monans, and afterwards recovered, with all artillery and goods within the same. Hermitage, 8th June 1549, ... 177

113. Bond of Maintenance by John [Hamilton], archbishop of St. Andrews, primate and legate nate of all Scotland, commendator of the abbey of Paisley, undertaking in consideration of a bond of service made to him by John Wemyss of that ilk to defend and maintain the said John Wemyss as a good lord ought and should defend his servant. Edinburgh, 21st March 1549-50, ... 178

114. Composition for Remission to John Wemyss of that ilk, for absence from the queen's host, and all other transgressions to the date hereof, except treason against the queen's person and her tutor's, murder, spoliation of churches, deforcement of officers, tearing the queen's letters, convention of the lieges at Whitsunday last, intercommuning with the queen's declared traitors, disobedience to George, Earl of Rothes, lieutenant within the bounds of Fife for resisting the old enemies of England, etc. Cupar, 8th August 1553, ... 179

115. Remission by Mary Queen of Scots, with consent of James, Duke of Chattellarault, etc., governor, to John Wemyss of that ilk, for his treasonable expedition, with displayed banner, with William, sometime Earl of Glencairn, in the month of May 1544, on the moor of Glasgow, against the said governor. Edinburgh, 13th March 1553-4, ... 180

116. Letters of Absolution directed by John, archbishop of St. Andrews, etc., having power of a legate de latere, to the curate of Wemyss, to absolve John Wemyss of Wester Wemyss, from the sentence of excommunication, incurred by letters of excommunication on an act registered in the books of the official principal of St. Andrews for George Clapen of Carslogy for payment of £100 Scots due to him, which sum the said John Wemyss had consigned into the archbishop's hands in favour of the said George. Given under the subscription manual and signet of the archbishop at the castle of St. Andrews, 6th April 1555. An execution by Robert Dalson, curate of Wemis, bears that the absolution was made by him on 7th April, ... 181

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117. Minute of Contract of Marriage between John Wemyss of that ilk and Margaret, his daughter, on the one part, and David Barclay of Cullairnye, on the other part, by which it is agreed that David shall marry Margaret, and in order thereto he is bound to infeft her in conjoint fee and the heirs of the marriage, failing whom, to revert to the said David and his heirs, in the two Kynsleuis, Easter and Wester, Kilmaron, the two part of the lands thereof, with the xviij merk of the Laird of Lauthrik's part of the said lands, and the half lands of Byn and Kynnard. For which cause the said John of Wemyss is bound to pay to the said David the sum of 1400 merks tocher, half of it to be spent in redemption of the conjunct fee lands. Wemyss, 27th November 1555, ... 182

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oatmeal and three chalders bere, price of each chalder, 10 merks Scots: To be held of the granters and their successors in feu-farm and heritage for ever, for rendering for every chalder 10 merks, with £6 in augmentation of rental, in all, £66 Scots yearly, and doubling the feu-farm at the entry of each heir, with clause of warrandice, and engagement not to seek reduction of the charter till first the £1000 were repaid. Dated at Elcho, 25th October 1558, and subscribed by the prioress, and by a notary for the other nuns, ... 188

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held for arranging certain debates between Sir John Wemyss's sister and Sir William Bruce's sister, the laird of Earlshall was attacked by David Wemyss, Sir John's brother, struck in the back with a whinger, etc.; 2d, an attack on Robert Bruce of Clackmannan, Alexander Bruce of Airth, and their friends, on the High Street of Edinburgh, in November last, by David Wemyss, son to the laird, David, his brother, and their friends, in which the said Alexander Bruce was mutilated; 3d, waylaying and attacking Alexander Bruce, son to Peter Bruce, apparent of Earlshall, and others, in the Den of Kincaipill, etc. *Circa* 1570 [ascertained to be 1568],..... 200

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knight, and the late Margaret Otterburne, then his lawful spouse, who for themselves and their sisters, Margaret Wemyss, spouse of David Barclay of Culany, Elizabeth Wemyss, relict of the late David Balfour, Agnes Wemyss, spouse of John Aitoune of Dynmur, and Eufame Wemyss, spouse of Mr. David Carnegie of Culuthie, and also for their sisters' husbands, intimated before a notary and witnesses their intention to appeal to the Commissaries of Edinburgh, or to the Lords of the Session, from a pretended sentence of divorce passed unjustly by Sir Thomas Wallace, parson of Vuthank, between their father and mother. Done in the hospice of the chapel of Wemyss, 3d June 1572. A note in a later hand (1672) accompanying this deed gives some details of the family, ... 208

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CHARTERS BY JOHN, SON OF MICHAEL, AND OTHERS, RELATING TO PENSHIEL, ETC.

I. CHARTER by JOHN, son of MICHAEL, to the MONKS OF THE ISLE OF MAY, of the lands of Mayshiel, in the Lammermuir Hills, county of Haddington. *c.* 1215.[1]

SCIANT presentes et futuri quod ego, Johannes, filius Michaelis, dedi et concessi et hac carta . . . confirmasse Deo . . . monachis ibidem Deo seruientibus, assensu, uolun. . . . tam terram . . . elaive usque . . . a Windedure . . . tum de Bromside; et a Bromside usque ad Kaluerburne; et ita ascendendo usque ad Goselawe, in qua terra dixerat predictus Nesius se ius habere. Hanc autem terram prefatis monachis dedi et concessi in liberam et puram et perpetuam elemosinam ab omni seruicio et exaccione quietam et absolutam. Et ut hec concessio et donacio firma permaneat et inconcussa, eam sigilli mei apposicione roboraui. Hiis testibus, Willelmo Patric, Patricio filio Ade, Rogero de Merlei, Neso de Londoniis, Gilberto de Poulwrt, Ada filio eius, Roberto de Burneuile, Alano filio Patricii, Alano filio Willelmi, senescaldo Nesii de Londoniis, et multis aliis.

TRANSLATION.

Know all men, present and to come, that I, John, son of Michael, have given and granted, and by this my charter have confirmed, to God . . . and the monks there serving God . . . with consent, good-will . . . from Windesduris . . . then from Bromside, from Bromside as far as Kellburn; and so ascending as far as Goselawe, in which land the foresaid Nesius said he had right: Moreover, I have given and granted this land to the foresaid monks in free and pure and perpetual alms, quit and free from all service and exaction. And that this grant and gift may remain firm and unshaken I have confirmed it by appending my seal; these being witnesses, William, son of Patrick, Patrick, son of Adam, Roger of Merlei, Ness of London, Gilbert of Polwarth, Adam his son, Robert of Burnville, Alan, son of Patrick, Alan, son of William, the steward of Ness of London, and many others.

[1] Registrum Prioratus Sancti Andree, p. 380.

II. CHARTER by JOHN, son of MICHAEL, to the MONKS OF THE ISLE OF MAY, of his lands on the south side of the water of Kellburn, in the Lammermuir Hills, county of Haddington. [1215-1230.][1]

SCIANT presentes et futuri quod ego, Johannes, filius Michaelis, assensu et uoluntate [Mychaelis],[2] heredis mei, dedi et concessi et hac mea carta confirmaui Deo et sanctis de May, et monachis ibidem Deo seruientibus, pro anima mea et animabus patris mei et matris mei, et Duncani, fratris mei, et uxoris mee et heredis mei, et omnium antecessorum et successorum meorum, in liberam et puram et perpetuam elemosinam, totam terram in australi parte de Caluerburne, a uado quod est inter Panscheles et Kingessete usque ad lapidem stantem quasi medio loco inter austrum et occidentem; et inde ad magnum lapidem qui situs est sub Winethes, et inde usque ad Strotherhefed, et inde per semitam paruam usque ad Windesduris, in pertinenciis uille mee de Panscheles; cum una acra prati, et cum pastura que sufficiat ad sustentandum tres centas oues matrices, et triginta uaccas portantes et uiginti quatuor equas portantes cum sequela; et cum fuerit duorum annorum ammouebitur ipsa sequela et sic deinceps. Concedo eciam ut habeant predicti monachi in pastura mea decem sues portantes cum sequela donec sit superanuata et sic deinceps. Item concedo hominibus eorum qui predictam terram tenuerint petas et turbas quantum necesse habuerint ad domos suas. Hanc autem concessionem et donacionem ego et heredes mei prefatis monachis in perpetuum ab excercitu et expedicione et omni seruicio et exaccione et multura warantizabimus et acquietabimus: Et ut hec concessio et donacio robur perpetue firmitatis optineat eam sigilli mei apposicione roborau. Hiis testibus, Roberto de Londoniis, filio Willelmi Regis Scocie, Michaele filio et herede predicti domini Johannis, Radulpho rectore ecclesie de Wemes, Waldeuo filio Merlesswein, Duncano filio Ade de Kilcunkath, Thoma de Lundin, Galfrido de Maleuile, Johanne de Petkeri, Symone capellano sepedicti Johannis, Roberto et Patricio seruientibus eius, et multis aliis.

TRANSLATION.

Know all men, present and to come, that I, John, son of Michael, with the assent and goodwill of Michael, my heir, have given and granted, and by this my charter have confirmed, to God and the saints of May, and the monks there serving God, for my own soul, the souls of my father and mother, of Duncan, my brother, of my wife, of my heir, and of all my predecessors and successors, in

[1] Registrum Prioratus Sancti Andree, p. 381.

[2] A copy of this charter, printed in the Liber de Melros [vol. i. p. 189], from an old register in the Harleian MS., British Museum, has the name of the heir inserted as in brackets above.

free, pure, and perpetual alms, all the land on the south side of Kellburn, from the ford which is between Penshiel and Kingside as far as the stone standing as it were in the middle place between south and west; and from thence to the great stone which is situated under Winethes, thence as far as Strotherhead, and thence by a little path as far as Windesduris, in the pertinents of my town of Penshiel; with one acre of meadow, and with pasture sufficient for the sustentation of three hundred brood ewes, thirty brood cows, and twenty-four brood mares with their followers; which followers, when they are of two years old, shall be removed, and so thenceforward: Moreover I grant that the foresaid monks shall have in my pasture ten brood sows with their followers until they be over age, and so thenceforward: Likewise I grant to their men who shall dwell upon the foresaid lands as much peat and turf as they shall require for their houses: Moreover I and my heirs shall warrant and acquit this grant and gift to the foresaid monks for ever, free from military and all service, exaction and multure. And for perpetual confirmation of this grant and gift I have strengthened it by appending my seal; these being witnesses, Robert of London, son of William, King of Scotland, Michael, son and heir of the foresaid Sir John, Ralph, rector of the church of Wemyss, Waldeve, son of Merleswain, Duncan, son of Adam of Kilconquhar, Thomas of Lundin, Galfrid of Melville, John of Petkeri, Simon, chaplain of the oft-mentioned John, Robert and Patrick, his servants, and many others.

III. CHARTER by JOHN, son of MICHAEL, to MAURICE, his man, son of ROBERT, of the land which Aldred the smith and Oliver, his son, held in Penshiel, in the Lammermuir Hills, county of Haddington. [1215-1227.][1]

JOHANNES filius Michaelis, omnibus has literas uisuris uel audituris, tam clericis quam laicis, salutem: Sciatis me dedisse et concessisse et hac mea presenti carta confirmasse Mauricio, homini meo, filio Roberti, totam terram illam quam Aldredus, faber, et Oliuer, filius suus, tenuerunt in terra mea de Pannesscelis, totam, scilicet, terram illam que est in oriente parte de Fastenei; habendam et tenendam sibi et heredibus suis quos de corpore suo habebit, de me et heredibus meis, in feodo et hereditate, cum omnibus pertinentiis et asiamentis ad eandem terram iuste pertinentibus, libere et quiete, plenarie et honorifice ab omni seruicio et consuetudine: Reddendo inde michi et heredibus meis annuatim ille et heredes sui quedam calcaria deaurata, uel sex denarios ad festum Sancti Michaelis; salua communi pastura ad oues meas: Domus autem sua propria erit quieta de multura, sed homines sequuntur molendinum meum. Testibus, etc.

TRANSLATION.

John, son of Michael, to all men that shall see or hear these letters, as well clerics as laics, greeting: Know ye that I have given and granted, and by this my present

[1] Liber de Melros, p. 193.

charter have confirmed, to Maurice, my man, son of Robert, all that land which Aldred, the smith, and Oliver, his son, held in my land of Penshiel, to wit, all that land which is on the east side of Faseny; to have and to hold to him and the heirs which he shall have of his body, of me and my heirs, in fee and heritage, with all pertinents and easements justly pertaining to the said land, freely and quietly, fully and honourably, from all service and custom. Paying therefor to me and my heirs yearly certain golden spurs, or six pennies at the feast of St. Michael: Reserving common pasture for my sheep: and his own house shall be quit of multure, but his men shall follow my mill. Witnesses, etc.

IV. CHARTER by JOHN, son of MICHAEL, to the CHURCH OF MELROSE of the portion of the lands of Penshiel formerly held by Aldred the smith and his son, Oliver. *c.* 1227.[1]

OMNIBUS sancte matris ecclesie filiis, tam presentibus quam futuris, Johannes filius Michaelis, salutem: Sciatis me dedisse, concessisse et hac presenti carta mea confirmasse Deo et ecclesie Sancte Marie de Melros et monachis ibidem Deo seruientibus, totam terram illam quam Aldredus, faber, et Oliuer, filius suus, tenuerunt in terra mea de Pannechcles; totam, scilicet, terram illam que est in orientali parte de Fastenei infra has diuisas, a uado, scilicet, de Fastenei per uiam que dicitur Ricardisrode usque ad capud de Kelnemade, et inde per riuulum qui currit in Kelnemade usque in Qwitedre, in puram et perpetuam elemosinam; tenendam et possidendam de me et heredibus meis in perpetuum, adeo libere et quiete, plenarie et honorifice, sicut aliquam elemosinam liberius et quietius, plenarius et honorificentius tenent aut possident in toto reguo Scotie: Totam igitur terram hanc et quicquid continetur infra predictas diuisas, cum omnibus aisiamentis ad totam terram meam de Pannechcles iuste pertinentibus, tenebunt predicti monachi, de me et heredibus meis, libere et quiete ab omni terreno seruitio, consuetudine et exactione seculari: Et ego et heredes mei manutenebimus et warentizabimus prefatis monachis totam predictam terram, cum omnibus predictis aisiamentis, et adquictabimus ab omni terreno seruitio erga omnes homines: Hiis testibus, magistro M. cancellario, magistro P. de Ramesai, G. et J. capellanis meis, Bernardo Freser, Ada de Powl[ewurth], Henrico de Abernid, Ricardo Monipeni, Mauritio filio Roberti, et multis aliis. [Indorsed—Carta J. de Metkil de Panneseles que fuit Aldredi.][2]

[1] This and the four succeeding charters are printed from the originals in the collection of Melrose Charters *penes* His Grace the Duke of Buccleuch and Queensberry, K.T.

[2] Seal attached—slightly broken—shield bearing a device,—Per pale, the sinister marked with lines crossing each other dexter and sinister bendwise. A chevron surmounted of another reversed. Legend—Sigillvm Joha[nn]is filii [Mic]aelis.

Translation.

To all the sons of holy mother Church, as well present as to come, John, son of Michael, greeting: Know ye that I have given and granted, and by this my present charter have confirmed, to God and the church of St. Mary of Melrose, and the monks there serving God, all that land which Aldred, the smith, and Oliver, his son, held in my land of Penshiel, all that land, to wit, which is on the eastern side of the Faseny within these bounds:—From the ford, that is, of Faseny, by the path which is called Richard's road, as far as the head of Killmad, and thence by the stream which runs into Killmad, as far as the Whiteadder—in pure and perpetual alms; to be held and possessed of me and my heirs for ever, as freely and quietly, fully and honourably, as they hold or possess any alms in the whole realm of Scotland. Therefore this whole land, and whatever is contained within the foresaid bounds, with all easements justly pertaining to my whole land of Penshiel, the foresaid monks shall hold of me and my heirs, free and quit from all service pertaining to the land, custom, or secular exaction: And I and my heirs shall maintain and warrant to the foresaid monks all the foresaid land, with all the foresaid easements, and acquit them from all service pertaining to the lands against all men: These being witnesses—Master M[atthew Scot], chancellor, Master P. of Ramesay, G. and J., my chaplains, Bernard Fraser, Adam of Polwarth, Henry of Abernyte, Richard Monipeni, Maurice, son of Robert, and many others.

V. Charter by John, son of Michael of Methil, to the Church of Melrose of his land of Penshiel, in the Lammermuir Hills, county of Haddington. *c.* 1230.

Omnibus sancte matris ecclesie filiis, presentibus et futuris, Johannes, filius Michaelis de Methkil, salutem: Nouerit vniuersitas uestra me dedisse, concessisse et hac carta mea confirmasse Deo et ecclesie Sancte Marie de Melros, et monachis ibidem Deo seruientibus et seruituris, totam terram meam de Panneschelys; tenendam et habendam eisdem monachis, de me et heredibus meis, in puram et perpetuam elemosinam in perpetuum, ita libere, quiete, plenarie et honorifice, sicut aliqua elemosina in regno Scocie, liberius, quietius et plenius tenetur vel possidetur, in bosco et plano, in terris cultis et incultis, in pratis et pascuis, in viis et semitis, in moris, mosis et maresiis, in aquis et stagnis, viuariis et molendinis, et omnibus aliis asiamentis, que infra predictam terram inueniri poterunt aut excerceri: Ego autem et heredes mei manutenebimus et defendemus predictis monachis totam predictam terram, cum omnibus libertatibus et iustis pertinentiis suis, contra omnes homines; excepta terra quam dedi monachis de May, et excepta terra quam concessi Henrico Paruo et heredibus suis, per rectas diuisas suas in territorio de Panneschelys: Totam uero terram predictam, sicut dictum est, tenebunt et habebunt prefati monachi de Melros liberam et quietam ab omni seruicio, consuetudine et exactione et demanda, de me et heredibus meis, in perpetuum: Hiis testibus,

Thoma Comite de Atholia, Thoma de Cantia, Magistro Johanne Abigensi, Magistro Nessio medico domini regis, Gaufrido de Bosco, Jacobo filio Willelmi, Andrea de Sintun, et multis aliis. [Indorsed—Carta Johannis de Metkil de Pannesceles.][1]

TRANSLATION.

To all the sons of holy mother Church, present and to come, John, son of Michael of Methil, greeting: Know ye all of you that I have given and granted, and by this my charter have confirmed, to God and the church of St. Mary of Melrose and the monks who there serve and shall serve God, all my land of Penshiel: To hold and to have to the said monks, of me and my heirs, in pure and perpetual alms for ever, as freely, quietly, fully and honourably as any alms in the kingdom of Scotland are held or possessed; in wood and plain, in lands tilled and untilled, in meadows and pasturages, in roads and pathways, in moors, mosses, and marshes, in waters and pools, fishponds and mills, and all other easements which within the foresaid land can be found or exercised. Moreover, I and my heirs will maintain and defend to the foresaid monks all the foresaid land, with all liberties and just pertinents thereof, against all men; excepting the land which I have given to the monks of May, and excepting the land which I have granted to Henry Little and his heirs, by their right marches, in the territory of Penshiel. But the whole foresaid land, as said is, the foresaid monks of Melrose shall hold and have free and quit from all service, custom, exaction and demand of me and my heirs for ever: These being witnesses, Thomas, Earl of Athole, Thomas of Kent, Master John "Abigensi," Master Ness, physician of the lord king, Galfrid de Bosco, James, son of William, Andrew of Sinton, and many others.

VI. CHARTER by JOHN, son of MICHAEL of METHIL, to the CHURCH OF MELROSE, of his land of Penshiel, in the Lammermuir Hills, county of Haddington. 1230-1231.

OMNIBUS sancte matris ecclesie filiis, presentibus et futuris, Johannes, filius Michaelis de Methkill, salutem: Nouerit vniuersitas uestra me dedisse, concessisse et hac carta mea confirmasse Deo et ecclesie Sancte Marie de Melros et monachis ibidem Deo seruientibus et seruituris, totam terram meam de Panneschelys; tenendam et habendam eisdem monachis de me et heredibus meis in puram et perpetuam elemosinam inperpetuum, ita libere, quiete, plenarie et honorifice, sicut aliqua e . . . Scotie liberius, quietius et plenius tenetur uel possidetur, in bosco et plano, in terris cultis et incultis, in . . . in viis et semitis, in moris, mossis et maresiis, in aquis et stagnis, viuariis et molendinis et . . . siamentis, que infra predic-

[1] Seal attached, in good preservation. A facsimile of this charter, with the seal appended, is given in the Introduction to vol. i. of this work.

tam terram inueniri poterunt aut excerceri: Reddendo inde annuatim priori de Melros, qui pro tempore fuerit, tres marcas argenti ad Pentecosten, quas pro salute anime mee et heredum meorum assignaui ad emendum pitantiam conuentui de Melros in die Sancte Trinitatis per manum eiusdem prioris annuatim procurandam: Ego autem et heredes mei manutenebimus et defendemus predictis monachis totam predictam terram, cum omnibus libertatibus et iustis pertinenciis suis, contra omnes homines; excepta terra quam dedi monachis de May, et excepta terra quam concessi Henrico Paruo et heredibus suis, per rectas diuisas suas in territorio de [Panne]schelys: Totam uero terram predictam, sicut dictum est, tenebunt et habebunt prefati monachi de Melros . . . et quiete ab omni seruicio, consuetudine et exactione et demanda de me et heredibus meis in perpet . . . acien . . . prenominatum . . . Hiis testibus, domino Alano, abbate Sancti Ewardi de Balmurinach, Thoma Comite de Atholia, W. [filio] Alani, domini regis dapifero, W. capellano ipsius, Thoma de Cantia, Magistro Johanne Abigensi, Magistro Nessio medico domini regis, Malcolmo filio Comitis de Leuenaus, Gaufrido de Bos[c]o, Jacobo filio Willelmi, Johanne Cumin, Andrea de Sintun, et multis aliis. [Indorsed—Carta Johannis de Metkil de Pannesceles].[1]

Translation.

To all the sons of holy mother Church, present and to come, John, son of Michael of Methil greeting: Know ye all of you that I have given and granted, and by this my charter have confirmed, to God and the church of St. Mary of Melrose, and the monks who there do and shall serve God, all my land of Penshiel: To have and to hold to the said monks, of me and my heirs, in pure and perpetual alms for ever, as freely, quietly, fully and honourably as any [alms in the kingdom] of Scotland are held and possessed; in wood and plain, in lands cultivated and uncultivated, in . . . , in roads and pathways, in moors, mosses, and marshes, in waters and pools, fishponds and mills, and . . . easements which can be found or exercised within the foresaid land: Paying therefor yearly at Whitsunday to the prior of Melrose for the time, three marks of silver, which for the salvation of my soul and the souls of my heirs I have assigned for purchasing a pittance annually on the day of the Holy Trinity, to the convent of Melrose, to be dispensed by the hands of the said prior: And I and my heirs will maintain and defend to the forcsaid monks the whole land foresaid, with all liberties and just pertinents thereof, against all men; excepting the lands which I have given to the monks of May, and excepting the land which I have granted to Henry Little and his heirs, by their right marches, in the territory of [Pen]shiel. But the whole lands foresaid, as said is, the foresaid monks of Melrose shall hold and have . . . and quit from all service, custom, exaction and demand of me and my heirs for ever, doing as aforesaid: These being witnesses, Sir Alan, abbot of [the abbey of] St. Edward of Balmerino, Thomas, Earl of Athole, Walter, son of Alan, steward of the lord king, W., his chaplain,

[1] Seal wanting.

Thomas of Kent, Master John "Abigensi," Master Ness, physician of the lord king, Malcolm, son of the Earl of Lennox, Galfrid of Bosco, James, son of William, John Cumin, Andrew of Sinton, and many others.

VII. CHARTER by PATRICK, EARL OF DUNBAR, confirming Charter by JOHN OF METHIL to the CHURCH OF MELROSE of his lands of Penshiel, in the Lammermuir Hills, county of Haddington. 1230-1231.

OMNIBUS has litteras uisuris uel audituris, tam presentibus quam futuris, Patricius, Comes de Dunbar, salutem: Noueritis nos concessisse et hac presenti carta nostra confirmasse Deo et ecclesie Sancte Marie de Melros et monachis ibidem Deo seruientibus, omnes donationes et conuenciones et concessiones quas Johannes de Methkil ipsis fecit de terra de Panneseeles, cum omnibus pertinenciis suis et libertatibus et aeisiamentis eidem terre de Panneseeles interius et exterius iuste pertinentibus: Tenendas et habendas ipsis in perpetuum de dicto Johanne de Methkill et heredibus suis secundum tenorem cartarum quas ipsi monachi habent de dicto Johanne super dicta terra, saluo seruicio nostro de Johanne filio Walleui; Hiis testibus, Patricio filio nostro, Willelmo filio nostro, Waltero Olifard, justiciario Laodonie, Bernardo Fraser, Adam de Paulewurth, Rogero de Merlay, Willelmo de Bolteby, Alano filio Alani filii Edgari, et Patricio fratre eius, tunc temporis clerico comitis.[1]

TRANSLATION.

To all who shall see or hear these letters, as well present as to come, Patrick Earl of Dunbar, greeting: Know ye that we have granted, and by this our charter have confirmed, to God and the church of St. Mary of Melrose and the monks there serving God, all gifts, agreements, and grants, which John of Methil made to them respecting the land of Penshiel, with all pertinents, liberties, and easements justly pertaining to the said land of Penshiel, within and without: To be held and possessed by them for ever of the said John of Methil and his heirs according to the tenor of the charters which the said monks have from the said John over the said land, saving our service from John, son of Waldeve; these being witnesses, Patrick, our son, William, our son, Walter Olifard, justiciar of Lothian, Bernard Fraser, Adam of Polwarth, Roger of Merlay, William of Bolteby, Alan, son of Alan, son of Edgar, and Patrick, his brother, then for the time the earl's clerk.

[1] Seal wanting.

VIII. Charter by John, son of Waldeve, confirming Charter by John of Methil to the Church of Melrose, of his lands of Penshiel, in the Lammermuir Hills, county of Haddington. 1230-1231.

Omnibus has litteras uisuris uel audituris, tam presentibus quam futuris, Johannes, filius Waldeui, salutem, Noueritis me concessisse et hac presenti carta mea confirmasse Deo et ecclesie Sancte Marie de Melros, et monachis ibidem Deo seruientibus, omnes donaciones et conuenciones et concessiones, quas Johannes de Methkill ipsis fecit de terra de Pannesceles, cum omnibus pertinenciis suis et libertatibus et aeisiamentis eidem terre de Pannesceles pertinentibus: Tenendas et habendas ipsis inperpetuum, de dicto Johanne de Methkill et heredibus suis, secundum tenorem cartarum quas ipsi monachi habent de dicto Johanne super dicta terra; saluo seruicio michi et heredibus meis de dicto Johanne de Methkill et heredibus suis contento in carta mea et cartis antecessorum meorum quas dictus Johannes habet de eadem terra: Hiis testibus, domino comite Patricio de Dunbar, Patricio filio eius, Willelmo filio eius, Waltero Olifard, Bernardo Fraser, Adam de Paulewurth, Rogero de Merlay, Willelmo de Bolteby, Alano filio Alani filii Edgari, Johanne filio meo.[1]

Translation.

To all who shall see or hear these letters, as well present and to come, John, son of Waldeve, greeting: Know ye that I have granted, and by this my charter have confirmed, to God and the church of St. Mary of Melrose, and the monks there serving God, all gifts, agreements, and grants which John of Methil has made to them regarding the land of Penshiel, with all pertinents, liberties and easements pertaining to the said land of Penshiel; To have, and to hold to them for ever, of the said John of Methil, and his heirs, according to the tenor of the charters, which the said monks have of the said John, over the said land; saving the service to me and my heirs of the said John of Methil, and his heirs, contained in my charter and the charters of my predecessors, which the said John has of the said land: These being witnesses, the lord earl, Patrick of Dunbar, Patrick, his son, William, his son, Walter Olifard, Bernard Fraser, Adam of Polwarth, Roger of Merlay, William of Bolteby, Alan, son of Alan, son of Edgar, John, my son.

[1] Seal attached. Shield bearing a lion rampant, face and feet turned towards sinister. Legend —"Sigill Johannis filii Waldevi."

IX. Charter by John of Methil to the Church of the Holy Trinity of Soutra of all his right in the Church of St. Mary of Wemyss.[1] c. 1239.

Omnibus Christi fidelibus presentem cartam visuris vel audituris, Johannes de Methkill, salutem in Domino: Nouerit vniuersitas vestra me, diuine pietatis intuitu, dedisse et concessisse et hac presenti carta mea confirmasse Deo et ecclesie Sancte Trinitatis de Soltre, et magistro et confratribus ibidem Deo seruientibus et imperpetuum seruituris, totum ius quod habeo vel habere potui, vel antecessores mei habuerunt, vel successores mei habere poterunt, in ecclesia Sancte Marie de Wemys, pro anima mea et anima comitis Duncani, et pro animabus patris mei et matris mei, et omnium antecessorum meorum et successorum meorum: Sibi et fratribus suis succedentibus imperpetuum, tenendum et possidendum in puram et perpetuam elimosinam, cum omnibus libertatibus et pertinenciis et aysiamentis infra villam et extra, ad sustentacionem pauperum ibidem confluencium, ita libere et quiete, plenarie et honorifice, sicut aliqua ecclesia in regno Scocie alicui abachie et hospitali liberius, quiecius, plenius vel honorificencius, datur seu conceditur. In cuius rei testimonium presenti carte sigillum meum apposui; hiis testibus, domino Gilberto rectore ecclesie de Wemys, domino Johanne de Pontkyn, dominis Radulpho et Rogero, capellanis, domino Henrico de Abirnyte et domino Duncano, filiis Ade, militibus, magistro Willelmo de Hellewyk, domino Thoma de Kilmaron, domino Reginaldo Bastar, Adam de Malcarristoun, clerico, et multis aliis.

Translation.

To all the faithful in Christ who shall see or hear the present charter, John of Methil, greeting in the Lord: Know ye all of you that I, out of a feeling of divine piety have given and granted, and by this my present charter have confirmed, to God and the church of the Holy Trinity of Soutra, and to the master and co-fraternity there serving and who shall serve God, all right which I have or may have, or my predecessors have had, or my successors may have, in the church of St. Mary of Wemyss, for my own soul and the soul of Earl Duncan, and for the souls of my father and my mother, and of all my predecessors and successors: To be held and possessed to them and their brethren succeeding for ever, in pure and perpetual alms, with all freedoms, pertinents and easements within the town and without, for the sustentation of the poor persons thereto resorting, as freely and quietly, fully and honourably as any church in the kingdom of Scotland is freely, quietly, fully or honourably given or granted to any abbacy or hospital. In witness of which thing I have set my seal to this present charter; witnesses, Sir Gilbert, rector of the church of Wemys, Sir John of Pontkyn, Sirs Ralph and Roger, chaplains, Sir Henry of Abirnyte, and Sir Duncan, sons of Adam, knights, Master William of Hellewyk, Sir Thomas of Kilmaron, Sir Reginald Bastar, Adam of Makerstoun, clerk, and many others.

[1] Charters, etc., Collegiate Churches of Midlothian, p. 13.

X. CHARTER by DAVID, Bishop of St. Andrews, confirming the gift by JOHN OF METHIL of the patronage of the Church of St. Mary of Wemyss to the Church of the Holy Trinity of Soutra.[1] *c.* 1240.

VNIUERSIS sancte matris ecclesie filiis presens scriptum visuris vel audituris, Dauid, permissione diuina Sanctiandree minister humilis, salutem eternam in Domino: Cum ex iniuncto nobis officio incumbat subditorum necessitatibus grata solicitudine prouidere, eorum studiosius commoda procurare debemus, qui cum religiosi sint sua prorsus in pauperum sustentacionem hospitum recepcionem effundunt; hinc est quod cum dominus Johannes de Meythkil, miles, ius patronatus ecclesie de Wemys magistro et fratribus de Soltre imperpetuum seruituris caritatiue contulerit, nos collacionem ab eo factam approbantes eam autoritate episcopali confirmamus. In huius rei testimonium presenti scripto sigillum nostrum apponi fecimus; hiis testibus, magistro Hugone de Melburne, Willelmo de Mortuo mari, Roberto de Methven, capellano nostro, Alexandro de Edynburgh, Adam de Malcarristoun, Gilberto de Kent, clericis nostris, et aliis.

TRANSLATION.

To all the sons of holy mother church who shall see or hear the present writing, David, by the permission of God, humble minister of St. Andrews, greeting in the Lord everlasting: Whereas by the office laid upon us, it is incumbent on us, with thankful solicitude, to provide for the necessities of our subjects, and we ought the more earnestly to care for the welfare of those who, since they are religious, expend their goods directly for the support of the poor, and the entertainment of strangers; hence it is that seeing Sir John of Methil, knight, has charitably bestowed the right of patronage of the church of Wemyss upon the master and brethren of Soutra who shall serve there in perpetuity, we, approving of the gift made by him, by episcopal authority confirm the same. In witness of which thing we have caused our seal to be appended to this present writ; witnesses, Master Hugh of Melburne, William of Mortimer, Robert of Methven, our chaplain, Alexander of Edinburgh, Adam of Makerstoun, Gilbert of Kent, our clerks, and others.

XI. CONFIRMATION by GAMELIN, Bishop of St. Andrews, of Charter by JOHN OF WEMYSS, son of Michael of Wemyss, to the MASTER and BRETHREN of SOUTRA, of the Church of Wemyss. [10th January] 1261.[2]

OMNIBUS Christi fidelibus audituris has literas vel visuris, Gamelus, miseracione diuina ecclesie Sanctiandree humilis minister, salutem eternam in Domino: Nouerit vniuersitas vestra nos, diuine pietatis intuitu, concessisse et nostra episcopali

[1] Charters, etc., Collegiate Churches of Midlothian, p. 25. [2] *Ibid.* p. 34.

autoritate confirmasse magistro et fratribus de Soltre, Deo ibidem seruientibus et imperpetuum seruituris, in vsus proprios, ecclesiam de Wemys; quam quidem dominus Johannes de Wemys, filius Michaelis de Wemys, tanquam verus patronus eiusdem ecclesie, eis dedit, et quam bone memorie Dauid, episcopus Sanctiandree, eis postea confirmauit: Tenendam et habendam eisdem, cum omnibus pertinenciis suis et libertatibus imperpetuum, ita libere, quiete, plenarie et honorifice, sicut aliqui religiosi in nostra diocesi ecclesias suas in vsus proprios liberius, quiecius plenarius et honorificencius tenent et possident, iuribus nostris episcopalibus nobis et successoribus nostris in omnibus tamen saluis; et salua vicario, qui in dicta ecclesia perpetuo ministrabit, honesta sustentacione de bonis eiusdem ecclesie: Quem quidem vicarium dicti magister et fratres nobis et successoribus nostris ad curam ipsius ecclesie, quociens opus fuerit, presentabunt, et qui nobis de spiritualibus, et eis de temporalibus respondebit: Et salua ecclesie de Dysart pensione quam de dicta ecclesia de Wemys annuatim percipere consueuit. In cuius rei testimonium sigillum nostrum apponi fecimus huic scripto: Datum apud Tynyngham die Lune proximo post festum Epiphanie Domini, anno Domini m°cc° sexagesimo primo.

Translation.

To all the faithful in Christ who shall hear or see these letters, Gamelin, by the mercy of God humble minister of the church of St. Andrews, greeting in the Lord everlasting: Know ye all of you that we from a feeling of divine piety have granted, and by our episcopal authority have confirmed, to the master and brethren of Soutra, who there do and shall in time to come serve God, for their own uses, the church of Wemys, which Sir John of Wemys, son of Michael of Wemys, as true patron of the said church, gave to them, and which David, bishop of St. Andrews, of good memory, afterwards confirmed to them; to be holden and possessed to them, with all its pertinents and freedoms for ever, as freely, quietly, fully and honourably, as any religious men in our diocese freely, quietly, fully and honourably hold and possess their churches for their own uses; reserving, however, to us and our successors, our episcopal rights in all things, and reserving to the vicar who shall minister in the said church an honourable support from the goods of the said church: Which vicar the said master and brethren shall present to us and our successors for the cure of the said church, as often as need shall be; and he shall answer to us in spiritual things, but to them in temporal things: Reserving also to the church of Dysart the pension which it has been accustomed to uplift yearly from the said church of Wemys. In witness of which thing we have caused our seal to be appended to this writing. Given at Tyninghame, the Monday next after the feast of the Epiphany of our Lord, the year of our Lord one thousand two hundred and sixty-one.

Charters and Muniments

of the

Family of Wemyss of Wemyss.

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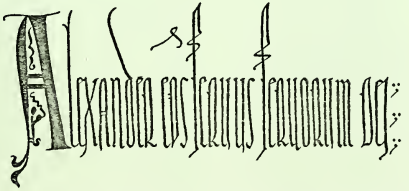
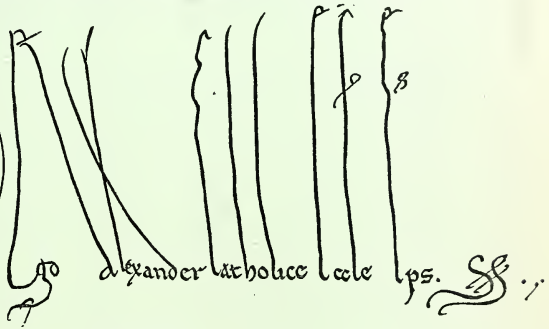
1. Bull by Pope Alexander the Third to Gregory, Bishop of Dunkeld, at his request confirming the possessions and privileges of the Bishopric of Dunkeld, and taking it under the protection of the Papal See. 7th June 1163.



Venerabili fratri, Gregorio Dunchaldensi episcopo, eiusque successoribus canonice substituendis, in perpetuum. In apostolice sedis specula disponente Domino constituti, fratres nostros episcopos tam uicinos quam longe positos, fraterna debemus caritate diligere, et eorum quieti ac tranquillitati salubriter auxiliante Domino prouidere: Huius itaque rei consideratione, venerabilis in Christo frater, Gregorie Episcope,

prouocati, tuis iustis postulationibus gratum impertimur assensum, et Dunchaldensem ecclesiam cum toto episcopatu, cui Deo auctore preesse dinosceris, sub Beati Petri et nostra protectione suscipimus, et presentis scripti priuilegio communimus: Statuentes ut quascumque possessiones, quecumque bona eadem ecclesia inpresentiarum iuste et canonice possidet, aut infuturum concessione pontificum, largitione regum uel principum, oblatione fidelium, seu aliis iustis modis Deo propitio poterit adipisci, firma tibi tuisque successoribus et illibata permaneant: Libertates quoque seu immunitates, aut regias consuetudines a Scotorum regibus Dunchaldensi ecclesie indultas, redditus etiam et seruicia, siue alia ad eandem ecclesiam iuste pertinentia, et scriptis eorundem Regum et aliorum Principum firmata, auctoritate apostolica nichilominus confirmamus: Obeunte uero te nunc eiusdem ecclesie episcopo, uel tuorum quolibet successorum, nullus ibi qualibet surreptionis astutia seu uiolentia episcopus constituatur, nisi quem canonici Dunchaldensis ecclesie communi consensu, uel eorum pars consilii sanioris, secundum Deum preuiderint eligendum: Decernimus ergo ut nulli omnino hominum liceat prefatam ecclesiam temere perturbare, aut eius possessiones auferre, uel ablatas retinere, minuere, seu quibuslibet uexationibus fatigare; sed illibata omnia et integra conseruentur, tuis et eorum pro quorum gubernatione ac sustentatione concessa sunt, usibus omnimodis profutura; salua sedis apostolice auctoritate. Siqua igitur infuturum ecclesiastica secularisue persona hanc nostre constitutionis paginam sciens contra eam temere uenire temptauerit, secundo tertioue commonita nisi presumptionem suam congrua satisfactione correxerit, potestatis honorisque sui dignitate careat, reamque se diuino iuditio existere, de perpetrata iniquitate cognoscat, et a sacratissimo corpore ac sanguine Dei et domini redemptoris nostri Ihesu Christi aliena fiat, atque in extremo examine districte ultioni subiaceat. Cunctis autem eidem ecclesie sua iura seruantibus sit pax Domini nostri Ihesu

Christi, quatinus et hic fructum bone actionis percipiant, et apud districtum iudicem premia eterne pacis inueniant. Amen ac Amen.



Benedicite.

✠ Ego Hvbald^{9} p̃br carđ tt. Sc̃e crucis in Ierl̃m s̃.
✠ Ego Joh̃s p̃br carđ tt. Sc̃e Anastasie s̃.
✠ Ego Albert^{9} p̃br carđ tt. Sc̃i Laureñ in Lucina s̃.
✠ Ego Guiłł p̃br carđ tt. Sc̃i Pet^{i} ad uincł̃a s̃.
✠ Ego Hvbaldus Hostiensis ep̃s s̃.
✠ Ego B^{9}nardus Portuen̄ et Sc̃e Rufine ep̃s s̃.
✠ Ego Gvalterivs Albanensis ep̃s s̃.
✠ Ego Jacintus diac̃ carđ Sc̃e Marie in Cosmydyn s̃.
✠ Ego Oddo diac̃ carđ Sc̃i Nicholai in carc̃e Tulliano s̃.
✠ Ego Joh̃s diac̃ carđ Sc̃e Marie in Porticu s̃.

Datum Turone per manum Hermanni, sancte Romane ecclesie subdiaconi et notarii, vij idus Junii, indictione x[i], incarnationis Dominice anno M^{o}C^{o}lxiij^{o}, pontificatus uero domini Alexandri Pape iii. anno quarto.

2. Charter by John of Anesley to John of Wemyss, and Amabella, his spouse, of the lands of Over Cameron. *Circa* 1290.

Omnibus hanc cartam uisuris uel audituris, Johannes de Anesley, miles, salutem in Domino sempiternam: Nouerit uniuersitas uestra me dedisse, concessisse, et hac presenti carta mea confirmasse ad feodofirmam Johanni de Wemes, et Amabille filie mee, sponse sue, totam terram meam de Superiori Cambrun, cum communa de Inferiori Cambrun, cum omnibus pertinenciis, libertatibus et aysiamentis suis, per has diuisas; uidelicet, sicut Gamlisburn descendit in aquam de Leuen; et per Gamlisburn ascendendo usque in terram Roberti Galle, et usque ad le Scortbutis; et sic a terra Roberti Galle uersus orientem, usque ad campum qui uocatur Langebrekes; et de Langbrekes ascendendo usque ad aliam (altam?) uiam tendentem uersus Kyrcaldin; et ab illa alta uia descendendo inter terram Fergus et terram que uocatur Spiceland, usque in le Keldeney; et sic ascendendo de le Keldeney usque le Harlawe, que est in diuisis inter terram domini Michaelis de le Wemes et Cambrun: Tenendam et habendam de me et heredibus meis dicto Johanni et heredibus suis de ipsa Amabilla legitime procreatis, adeo libere, quiete, pacifice et honorifice, sicut eam tenui uel tenere debui de domino comite de Fiff: Faciendo dicto domino comiti de Fiff seruicium inde debitum, et molendo ad molendinum domini comitis de Cambrun, singulis annis, decem celdras de blado quod crescit in eodem tenemento, absque multura, statim post bladum quod inuentum fuerit in tremodio, nisi bladum ad mensam domini comitis interuenerit; si uero plus molere uoluerint, dabunt tam ipsi quam homines sui uicesimum quartum uas ad multuram: Reddendo inde michi et heredibus meis tres denarios ad duos terminos; uidelicet, tres obolos ad Pentecosten, et tres obolos ad festum Sancti Martini in yeme, nomine feodofirme, pro omnibus seruiciis, consuetudinibus,

Omnibus hanc Cartam visur
ri carta mea confirmasse as fco
Cambrun cū omnibus pmenc
m fram robi galle tusque as
allam uiam tendentem uersus
Kelseneȝ usque le Haidalbe qu
fins de ipa Amabilla legitime
de fisc Bernaū inde debitam
que mulcura stamm post bis
ipi qui hominꝫ sin uecsmid
costen t tres obolos as festam
nendꝫ. Si ū dictus Johannes
cis toco tempe unc sue tenebr
plene reverterent. Ego aut
Warennabum. acquietabunus
Willo de Jarum pore eusde

e uita me dedisse. concessisse. & hac p
u Cambrun cū comma de inferior
neis. t p gandebum ascendendo usq
t de langbeches ascendendo usque as
m le Kelseneȝ. t sic ascendendo de le
heredibus meis de Johanni t heredibus
unte de fisc faciendo de one
do qd cresar in eodem tenemento
e molere uoluerint. dabunt tam
nos. molcher tres obolos as pcme
nand as me ul heredes meos pr
stes fuerit tram pdcam cū pe
redes meos nel assignatos meos
nes homines t stannia imperū
stribue de Abbe de scos
t Salie.

Omnibus hanc Cartam visur̄ vel auditurī Johannes de Aweley miles salutem in dño sempiternam. Noverit universitas vra me dedisse. concessisse. et hac p̄sti
ti carta mea confirmasse ad feodifirmam Johanni de Mcmes & Amabille filie nūe sponse sue totam terram meam de Suptori Cambrinū cū omnia & integra
Cambrinū cū omnibus pertinenc̄. libertatib⁹. & asysiamentis suis. p̄ has diffinic̄. videlicet siue granlichinud descendit in aquam de Leneu. & p̄ granlichinud ascendendo usq
in terram robti galle & usque ad le Scortbrich. & sic a terra robti galle versus orientem usque ad cuniculū qui vocatur langebrebec. & de langbrebec ascendendo usque ad
aliam viam tendentem versus heverelund. & ab illa alta via descendendo usq̄ ad terram fergus & terram que vocatur Spreland usque in le Heldeneyt. & sic ascendendo de le
Heldeneyt usque le Hayrallue que est in diuisis inter terram dñi Michaelis de le Mcmes & Cambrinū. Tenendo & habendo de me & heredibus meis dicto Johanni & heredibus
suis de ipso Amabilla legitime precipue. adeo libere. quiete. pacifice. & honorifice sicut eam teneri vel tenere debui de dño Comite de Ferrariis vel dño Comite de
Cestr̄ Germanū inter debitum & molendinū ad molendinū dñi Comitis de Cambrinū singulis annis decem celdras de blado qđ crescit in eodem tenemento absq
que multura ferum post bladum qđ inuenit fuerit in tremodio. & bladum ad mensum dñi Comitis inveniet. si vi plus molere voluerint. debunt tam
ipsi qui homines sui mercatum ferunt unū ad multurandum. Reddendo inde mihi & heredibus meis tres denarios ad duos terminos videlicet tres obolos ad pasche
festum. & tres obolos ad festum sci martini in yeme nomine feodifirme p̄ omnibz seruicijs consuetudinibz. exactionibz & demandis ad me vel heredes meos pti
nentibz. Si vero dictus Johannes vel Amabilla absq̄ libero de ipis legitime genitis in fata decesserint. tunc ego qui supra fuero dictam pecciam cū pertinenc̄
eis toto tempore vite sue tenebit & possidebit. & post finem vite illius vel eorum inveniet sua terra cū pertinenc̄ ad me & heredes meos vel assignatos meos
plene reverteretur. Ego autem & heredes mei dictam terram cū pertinenc̄ dicto Johanni & heredibz suis in pacem & contra omnes homines & feminas warrantizabimus. acquietabimus. & defendemus. In cuius rei testimonium presenti scripto sigillum meum appositum. His testibus dño Abbe de Sees dño
Willo de Jarum tunc eiusdem. dño Gilleo de Grimham tunc capello Willo de Alnston. Reginaldo de Colstanton. et Aliis.

exaccionibus, et demandis ad me uel heredes meos pertinentibus; si uero dictus Johannes uel Amabilla absque liberis de ipsis legitime procreatis in fata decesserit, alter eorum qui superstes fuerit terram predictam, cum pertinenciis, toto tempore uite sue tenebit et possidebit: et post finem uite illius qui diucius uixerit, dicta terra, cum pertinenciis, ad me et heredes meos uel assignatos meos plene reuertetur. Ego autem et heredes mei dictam terram, cum pertinenciis, dicto Johanni et heredibus suis, ut predictum est, contra omnes homines et feminas inperpetuum warentizabimus, acquietabimus, et defendemus. In cuius rei testimonium presenti scripto sigillum meum apposui; hiis testibus, domino abbate de Jedd[eworth], domino Willelmo de Jarum priore eiusdem, domino Gilberto de Oxinham, tunc cappelano, Willelmo de Uluistoun, Reginaldo de Dolfinstoun, et aliis.

3. Transumpt, dated 15th October 1408, of Charter by David of Wemyss, to Anabella, daughter of Sir William of Saint Clair, of lands in the barony of Lochore. [*Circa* 1290-1296.]

[In Nomine Domini A]men. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno a natiuitate eiusdem millesimo cccc^mo^ octauo, indiccione prima, ac xv mensis Octobris, pontificatus sanctissimi in Christo patris ac domini nostri, domini [Benedicti diuina proui]dencia Pape xiii^mi^ anno xv^to^; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, dominus Johannes de Wemys, miles, dominus de Reress, quasdam literas per modum carte confectas Dauid de [Wemys filii et hered]is domini Michaelis de Wemys, militis, et eius sigillo, ut apparuit, sigillatas, videlicet, cum quodam sigillo rotundo in cera alba, michi tradidit perlegendas et inspiciendas, non rasas, non cancellatas, nec [in aliqua

sui] parte suspectas, set omni prorsus vicio et suspicione carentes, ut prima facie apparebat, qua[rum] tenor sequitur et [est] talis: OMNIBUS hoc scriptum visuris uel audituris, Dauid de Wemys, filius et heres domini Micha[elis de Wemys, militis, salut]em in Domino: Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse domine Anabelle, filie domini Willelmi de Sancto Claro, militis, vxori domini Roberti Beset quondam militis, istas terras nominandas, scilicet, . . . decim solidis et octo denariis annui redditus in piscaria dicti tenementi de Balbethy et Capildrayth, et Petmuy et Stradrowry, que sunt in baronia de Lochor; et eciam Ardergy in tenemento . . . Westirdron, que fuit domini Dauid de Lochor; et eciam medietatem de Eglisdikin me contingentem, in comitatu de Menteth, cum omnibus suis pertinenciis, diuisis, rectitudinibus, aysiamentis, et libertatibus ad dictas terras [pertinentibus seu iust]e pertinere valentibus; vna cum duobus libere tenentibus infra baroniam de Lochor, scilicet, Constantino de Lochor et Adam de Lochgelly: Tenendas et habendas dictas terras cum omnibus suis pertinenciis, vna cum serui[ciis dictorum duorum libere tenencium] et heredum suorum, dicte domine Anabelle, pro toto tempore vite sue, quocunque casu contingente, et eciam heredibus suis inter me et ipsam procreatis, iure hereditario imperpetuum, de me et heredibus meis, libere, quiete, pacifice [et honorifice: Reddendo] pro dictis terris capitalibus dominis dictorum feodorum debita seruicia et consueta, et michi et heredibus meis homagium, et duodecem denarios sterlingorum, ad duos anni terminos, videlicet, sex denarios ad festum Pentecostes, et sex [denarios ad festum Sancti M]artini in yeme, pro wardis, releuiis, et omnibus aliis consuetudinibus, seruiciis, et demandis que de dictis terris inpost[e]rum exigi poterunt uel requiri. Et ego Dauid, et heredes mei, omnes dictas terras, cum omnibus suis [pertinenciis, aysiament]is, et libertatibus, et cum seruiciis dictorum duorum liberetenencium dicte domine Anabelle, pro toto tempore uite sue, et eciam heredibus suis inter me et dictam Anabellam

procreatis, ut predictum est, contra omnes homines et feminas wa[ra]ndi[zabimus, acquietabi]mus, et defendemus imperpetuum. In cuius rei testimonium hoc scriptum sigilli mei inpressione roboraui; hiis testibus, venerabilibus patribus in Christo, Roberto et Matheo permissione diuina Glasguensi et Dunkeldensi episcopis, [Willelmo comite de] Ros, dominis Patricio de Grame, Willelmo de Haya, Johanne de Strivelyne, Ricardo Frayser, Willelmo Byset, militibus, et aliis. Post cuiusquidem literarum inspeccionem et perleccionem, prefatus dominus Johannes de Wemys [prefatas literas peciit a] me notario publico sibi, sub forma publica siue instrumento publico, confici ac copiari. Acta fuerunt hec, apud Pertht, in hospicio dicti domini Johannis de Wemys, anno, mense, die, indiccione, et [pontificatu pre]notatis; presentibus, viris prouidis et discretis, Willelmo de Lundy, domino eiusdem, Nicholaio Malvyle, Johanne de Cragy, et domino Johanne filio Ade, capellano, et aliis testibus ad premissa vocatis specialiter et [rogatis].

Et ego Thomas Twy, clericus Sanctiandree diocesis, publicus auctoritate apostolica notarius, predictarum literarum inspeccioni et earundem perleccioni, coram testibus antescriptis, presens interfui; eaque omnia et singula sic fieri vidi et audiui et in hanc publicam formam redegi, ac propria manu mea scripsi; signoque meo solito et consueto signaui, rogatus et requisitus in testimonium premissorum.

Et ego Alexander de Streuelyn, clericus Sanctiandree diocesis, publicus auctoritate imperiali notarius, predictarum literarum tradicioni, inspeccioni, ac earundem perleccioni in presencia dictorum testium presens interfui; eaque omnia et singula sic fieri vidi, et dictum Thomam, notarium publicum, dictam cartam publicandam per dominum Johannem de Wemys audiui; et pro maiori credencia, dictus dominus Johannes de Wemys me notarium prescriptum requisiuit quod omnia et

singula predicta signo meo ac subscripcione roborarem; que, per dictum dominum Johannem requisitum, subscripcione scripture mee proprie ac signo consueto roboraui et assignaui, in testimonium omnium et singulorum premissorum.

4. Charter by David Wemyss, lord of the half lands of Lochore, to his uncle, John Wemyss, of a strip of his moor of Mcleofgarmunth. *Circa* 1289.

Omnibus Christi fidelibus hoc presens scriptum visuris uel audituris, Dauyd de Wemys dominus medietatis terrarum domini Dauyd quondam domini de Lochore, salutem in Domino sempiternam: Nouerit vniuersitas uestra me dedisse, concessisse, et hac presenti carta mea confirmasse sufficiens focale Johanni de Wemys, patrui meo, et heredibus suis, et eorum heredibus et hominibus suis in terra sua de Rathe manentibus, quam terram hereditarie dicto Johanni de Wemys et heredibus suis imperpetuum postulaui, ad capiendum in moris meis de Mcleofgarmunth et de Polgolde tam in bruerio quam in pettario vbicumque commodius eis viderint expedire: Tenendum et habendum dictum focale dicto Johanni de Wemys et heredibus suis, et eorum heredibus, et hominibus suis de Rathe, ut predictum est, de me et heredibus meis, libere, quiete, pacifice, honorifice, et integre inperpetuum; cum libero introitu et exitu ad sua propria per medias terras meas vbique, sine aliquo impedimento: Reddendo pro dicto focali annuatim michi et heredibus meis tantummodo duos denarios, nomine feudofirme, ad festum Sancti Martini in hyeme, pro omnibus que ab aliquo exigi poterunt infuturum. Ego vero predictus Dauyd et heredes mei dictum focale ad capiendum in moris meis de Mcleofgarmunth et de Polgolde tam in bruerio quam in pettario ut predictum est, predicto Johanni de Wemys patrui meo et heredibus suis, et eorum heredibus, et hominibus suis in terra sua de Rathe manen-

nnibus ad hactenus [illegible] hec presens carta sua confirmasse audivit Dauyd de Wemyss dicte medietatis de Alyn Dauyd quondam dni de Wemyss
am in dicto comitatu [illegible] Nouerint universi tam nunc presentes quam futuri me concessisse et hac presenti carta mea confirmasse Iohanni de Wemyss
meo filio et heredibus suis [illegible] et corporibus suis et hominibus suis in dicta villa de Leuche manentibus quandam dictam hereditarie dicto Iohanni de We
myss heredibus suis imperpetuum pertinentem de Grynd in Fyfe meis de Scotstarvithe et de Polgold cum molendino quam in presenti obli
gacione eis dedimus expresse. Tenend et habend dicte terre dicto Iohanni de Wemyss et heredibus suis de me et corporibus heredibus et hominibus suis
de me per dictos meos de Scotstarvithe et de Polgold cum molendino quam in presenti oblig

tibus, contra omnes homines et feminas in pace warantizabimus, acquietabimus et inperpetuum defendemus. In cuius rei testimonium huic presenti carte sigillum meum apposui, et est appensum; hiis testibus, magistro Matheo de Crambeth, tunc temporis Dei gracia episcopo Dunkeldensi, domino Michaele de Wemys, patre meo, domino Michaele Scot, milite, Costentyno de Lochore, Hugone de Lochore, tunc temporis vicecomite de Fyffe, et multis aliis.

5. Quitclaim by Michael of Wemyss, knight, to John of Inglis, lord of Inglis Tarvet, of the third part of the mill of Tarvet. [*Circa* 1300.]

Omnibus hoc scriptum visuris vel audituris, Michael de Wemis, miles, dominus eiusdem, salutem. Nouerit vniuersitas vestra nos concessisse, dedisse, et hoc presenti scripto nostro, pro nobis et heredibus nostris, imperpetuum quietum clamasse Johanni de Ynglis domino de Ynglistarwet, et heredibus suis suisque assignatis, totam terciam partem nostram molendini eiusdem Tarwet, cum omnibus suis iustis pertinenciis, ita libere et quiete quod nec nos predictus Michael, nec heredes nostri poterimus, nec aliquis uel aliqui nomine nostro poterit seu poterint aliquid iuris uel clamii in dicta tercia parte predicti molendini in perpetuum postulare seu vendicare aliquomodo. In cuius rei testimonium presentibus sigillum nostrum est appensum: Hiis testibus, domino Duncano comite de Fyff, domino Dauid de Berclay, domino Michaele Scot, domino Dauid de Wemis, domino Andrea de Walans, militibus; Thoma de Lumysden, Henrico de Ramsay et multis aliis.[1]

6. Charter by Michael Scott, lord of Balwearie, to Yvo of Burneschelis, of the land of Burneschelis. [*Circa* 1300.]

Omnibus hanc cartam visuris uel audituris, Michael Scotus dominus de Balwery, salutem eternam in Domino. Cum constet mihi euidenter,

[1] Original Charter in the Museum of the Antiquaries of Scotland.

per instrumenta sigillata, ac per fidelem et diligentem inquisicionem fidedingnorum patrie, antecessores meos per cartam Yuonem de Burneschelis et eius antecessores de tota terra de Burneschelis ex antiquo infeodasse hereditarie; et licet aliquo tempore mota fuit questio inter me et dictum Yuonem super quibusdam articulis ipsum calumpniando; tandem cognita veritate libertatis et infeodacionis predicti Yuonis et suorum antecessorum, absit me velle aliquod contra ipsos iniuste attemptare: Qua propter totam prenominatam terram de Burneschelis prefato Yuoni tenore presencium, iure suadente, duxi concedendam; roborando et presentis carte mee pagina confirmando, tanquam suam propriam hereditatem: Tenendam et habendam sibi et heredibus suis de me et heredibus meis, pro suo homagio, per suas rectas diuisas, in feodo et hereditate, sine aliquo retenemento, libere, quiete, integre, pacifice, plenarie et honorifice, internis et externis; in moris, mariseis, aquis, stangnis, pasturis, molendinis, bracinis; et cum omnibus suis pertinenciis, libertatibus, commoditatibus, iuribus et omnimodis aliis aysiamentis, tam non nominatis quam nominatis, ad predictam terram spectantibus, seu aliquo modo aut tempore spectare valentibus in futurum; absque warda, releuio, maritagio, secta curie, forinseco seruicio, auxilio et excercitu; nihil penitus mihi aut heredibus meis faciendo, nisi homagium tantummodo: Reddendo inde annuatim mihi et heredibus meis ipse et heredes sui vnum par calcarium deauratorum, uel septem denarios usualis monete, ad festum Apostolorum Petri et Pauli, pro omnibus aliis seruitiis, calumpniis, uel petitionibus, que de dicta terra per me aut heredes meos exigi poterunt seu requiri in posterum, casu uel causa qualitercunque contingente. Ego vero Michael Scotus et heredes mei totam predictam terram de Burneschelis prefato Yuoni de eadem et heredibus suis pro predicta annua firma contra omnes homines et feminas warantizabimus, acquietabimus et defendemus in perpetuum. In cuius rei testimonium huic carte sigillum meum apposui: Hiis testibus, dominis Dauid de Wemys,

[illegible] nobis & heredibus [illegible] feodo & hereditate
[illegible] & stagnis · cum [illegible] & pasturis
[illegible] & [illegible] & [illegible]
[illegible] reddendo inde [illegible]
[illegible] reddendo nobis & heredibus [illegible]
[illegible] de communibus [illegible] seu consuetudine
[illegible] omnibus [illegible] & [illegible]
[illegible] & [illegible]

Omnibus hanc cartam visuris vel audituris Michael de Heams dns de eadem eternam in Dno salutem. Cum
hinc prospera cetera ista consistunt dilecta consanguinee ista Dna Maud de Heams inclite recordationis dns de Dno ista de
mee de Hesf reuenus ac yolendine de Cambrun Gerardi & habendi Dna Dne Maud ac hredibus suis de nobis & hredibus nris in feodo & hereditate
libere quiete plenarie & honorifice bn & in pace absque oms retencione Ita quod predicta cetera & reuenus eadem stagna cuniculos
reuersiones escaetas & pisturas ac cum aliis aliis quas nostris grauetur tam non nominatis qz nominatis. tam quo ipsam qz quibus ea predictam ipsam Dna
Cambrun ac yolendine eandem ecclesiam non quoquo modo de nre aure consuetudine imposterum ecclesie valeamus procedo nde Dna Dne Maud & hre
pedes qui nobis & hredibus nris homagium ac seruitia ipsius Dne nre sepe quatenus pertinet ea pretam ipsam. Et reddendo nobis & hredibus nris eqz de
uitatos assisis mencie tunnetam mee alle festum ad sua sustentacione bn Johis baptiste apud cadum nrum de Heams. que omni Dnae reddu gratione & de
ingnia clause. Salus tamen nobis & hredibus nris Dcone Dni pris nri in Dei yolendine de Cambrun tunnetam pro libera tunnetam reddetur seruicia de
debis molendis. Respectus eccle sanctis nris de seruicio ipsam illam misericordiam recognitis gestata in uoce de Cambrun absque distinctione cur comitatus
Dei Dne Maud ac hredum suos. Hos ó Michael & hredes nre predictam ipsam de Cambrun & yolendinam ac aliis suis commendatis libertatibus & pristine
ne gubernacula in aliis nob pleni est. predicte Dne Maud & hredibus suis quod omnes homines & femmas Cambrun adquietabimus & in quorum defen
dimus. In cui rei testimonium presentes litere nre sigillum nrum apposimus. Hiis testibus reuendissimis patribus Dno Wills & Dno de epo Winchestrie & Norwic
nensis epis. Hiis & Dno de Winchepensis & Winton abbatibus. Dno Johne de la Mare. Hiis de eadem Michaele dno Cambrun Hiis Johanne
de Gaudun Henrico de Hampshire. Wimundo de Hampshire. Hiis de Cambrun. Prioribus de Hamdesham & aliis.

Dauid de Berkelay, Willelmo de Ferselay, militibus; Adam de Kininmonde, Willelmo de Louchor, Johanne Monipeni, Alexandro Ouiot, Marco de Stike Law, Bernardo de Mirtone, et multis aliis, tam clericis quam laicis, tunc ibidem presentibus.[1]

7. Charter by Michael Wemyss of that ilk to David Wemyss, knight, of the lands of Nether Cameron. [*Circa* 1332.]

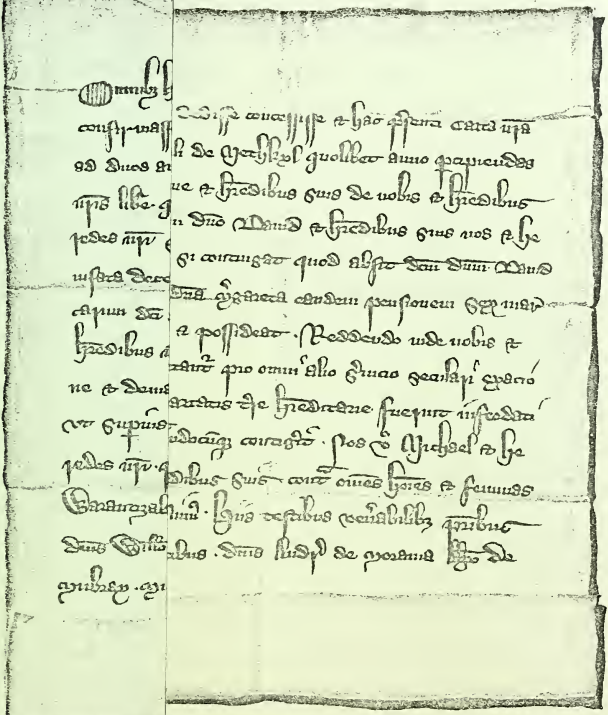
Omnibus hanc cartam visuris vel audituris, Michael de Wemis dominus de eadem, eternam in Domino salutem: Nouerit vniuersitas vestra nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consangu[i]nio nostro, domino Dauid de Wemis, militi, totam terram nostram de Cambrun Inferiori, quam de domino nostro comite de Fyf tenemus, cum molendino de Cambrun: Tenendam et habendam dicto domino Dauid et heredibus suis de nobis et heredibus nostris in feodo et hereditate, libere, quiete, plenarie, et honorifice, bene et in pace, absque vllo retenemento; in moris, marisiis, viis et semitis, aquis, stagnis, viuariis, pratis, pascuis et pasturis, venacionibus, aucupacionibus, et piscariis, et cum omnibus aliis suis iustis pertinenciis, tam non nominatis quam nominatis, tam supra terram quam subtus, ad predictam terram de Cambrun et molendinum eiusdem spectantibus, seu quoquo modo de iure aut consuetudine inposterum spectare valentibus: Faciendo inde dictus dominus Dauid et heredes sui nobis et heredibus nostris homagium et forinsecum seruicium domini nostri Regis, quantum pertinet ad predictam terram: et reddendo nobis et heredibus nostris sex denarios vsualis monete annuatim, nomine albe firme, ad festum natiuitatis beati Johannis Baptiste, apud manerium nostrum de Wemis, pro omni seruicio seculari, exaccione, et demanda tantum: Saluis tamen nobis et heredibus nostris decem celdris bladi in dicto molendino de Cambrun annuatim, pro libera multura, videlicet, ferlota

[1] Original Charter in the Museum of the Antiquaries of Scotland.

de celdra molendis: Reseruatis eciam hominibus nostris de Neuthun terram illam inhabitantibus racionabili pastura in mora de Cambrun, absque disturbacione vel contradiccione dicti domini Dauid vel heredum suorum: Nos vero Michael et heredes nostri predictam terram de Cambrun et molendinum, cum omnibus suis commoditatibus, libertatibus, et aysiamentis quibuscunque, in omnibus, vt predictum est, predicto domino Dauid et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus, et in perpetuum defendemus. In cuius rei testimonium presenti carte nostre sigillum nostrum apposuimus; hiis testibus, venerabilibus patribus, dominis Willelmo et Adam Dei gracia Dunkeldensis et Breychenensis episcopis, Alexandro et Adam de Dunfermlyn et Culenros abbatibus, dominis Roberto de Lawedyr, Alexandro de Sethun, Michaele Scot, militibus, Johanne Monipeni, Alexandro de Striuelyn, Henrico de Ramyssay, Duncano de Ramyssay, Adam de Balmaharg, Nicholao de Randalsthon, et multis aliis.

8. Charter by Michael Wemyss of that ilk to David Wemyss, of an annual rent of six merks from the mill of Methill. [*Circa* 1332.]

Omnibus hanc cartam visuris vel audituris, Michael de Wemis, dominus de eadem, eternam in Domino salutem: Nouerit vniuersitas vestra nos dedisse, concessisse, et hac presenti carta nostra confirmasse domino Dauid de Wemis, dilecto consangu[i]nio nostro, sex marcas sterlingorum annui redditus in molendino nostro granali de Methkyl quolibet anno percipiendas, ad duos anni terminos consuetos, per equales porciones: Tenendam et habendam dicto domino Dauid, domine Margarete sponse sue, et heredibus suis, de nobis et heredibus nostris, libere, quiete, plenarie, et honorifice inperpetuum, absque vllo retenemento et contradiccione nostri vel heredum nostrorum, quousque eidem domino Dauid et heredibus suis nos et heredes nostri sex



Omnibus hanc cartam visuris vel audituris Michael de Ocle Dns de eadem salutem in Dño. Noverit universitas vestra nos Dedisse concessisse et hac presenti carta nra confirmasse dnō Edmundo de Ocle filio nostro pro homagio et servicio suo totas illas terras et tenementa quas Rogerus Bunnay tenuit in villa de Ocle et in Dominio de Ocle et in Villa de Stanford et in Villa de Bromyard et in Villa de Hereford et in Villa de Wygornia et in Villa de Gloucestria et in Villa de Tewkesbury et in Villa de Worcestria et in Villa de Salopia et in Villa de Cestria et in Villa de Lincolnia et in Villa de Eboraco et in Villa de Novo Castro super Tynam et in Villa de Karleolo et in Villa de Dunelmo et in Villa de Berewico super Twedam et in Villa de Roxburgh et in Villa de Edenburgh et in Villa de Striveling et in Villa de Aberdene et in Villa de Invernes et in Villa de Forfare et in Villa de Dunde et in Villa de Sancto Andrea et in Villa de Glasgu et in Villa de Kylwynning et in Villa de Air et in Villa de Dumfres et in Villa de Kirkcudbright et in Villa de Wyggetone et in Villa de Scardeburgh et in Villa de Karnarvan et in Villa de Conewey et in Villa de Beaumaris et in Villa de Flynt et in Villa de Rothelan et in Villa de Denbigh et in Villa de Ruthyn et in Villa de Montgomery et in Villa de Kaermerdyn et in Villa de Aberistwith et in Villa de Cardigan et in Villa de Karmerdyn et in Villa de Penbroke et in Villa de Tenby et in Villa de Haverford et in Villa de Karlyon et in Villa de Usk et in Villa de Monemuth et in Villa de Abergevenny et in Villa de Brecon et in Villa de Radenore et in Villa de Hay et in Villa de Clifford et in Villa de Weobley et in Villa de Leominstre et in Villa de Ledbury et in Villa de Malvern et in Villa de Tewkesbury et in Villa de Pershore et in Villa de Evesham et in Villa de Warewyk et in Villa de Kenilworth et in Villa de Coventre et in Villa de Leycestria et in Villa de Derby et in Villa de Notingham et in Villa de Lincolnia et in Villa de Stanford et in Villa de Grantham et in Villa de Boston et in Villa de Sancto Botulfo et in Villa de Yarmouth et in Villa de Norwico et in Villa de Thetford et in Villa de Cantebrigia et in Villa de Huntyngdon et in Villa de Bedeford et in Villa de Buckyngham et in Villa de Oxonia et in Villa de Abyndon et in Villa de Wyndesore et in Villa de Guldeford et in Villa de Chichestre et in Villa de Arundell et in Villa de Portesmue et in Villa de Wynchelse et in Villa de Hastyngs et in Villa de Cantuaria et in Villa de Sandwico et in Villa de Dovorre et in Villa de Rumenhale et in Villa de Lydde et in Villa de Romenye et in Villa de Hethe et in Villa de Grenewych et in Villa de Suthwerk et in Villa de Kyngeston et in Villa de Sancto Albano et in Villa de Hertford et in Villa de Berkhamstede et in Villa de Wyndesore et in Villa de Reddyng et in Villa de Wallyngford et in Villa de Oxonia et in Villa de Abyndon et in Villa de Marleburgh et in Villa de Cicestre et in Villa de Wynton et in Villa de Andeverr et in Villa de Basyngstoke et in Villa de Sarr et in Villa de Wylton et in Villa de Salesbyry et in Villa de Shaftesbyry et in Villa de Glastonbury et in Villa de Bristollia et in Villa de Exon et in Villa de Dertemue et in Villa de Totenes et in Villa de Plymmuth et in Villa de Launceston et in Villa de Bodmyn et in Villa de Lostwithiel et in Villa de Truru et in Villa de Penrynn et in Villa de Helleston et in Villa de Marghasyate et in Villa de Pole et in Villa de Corfe et in Villa de Warham et in Villa de Wareham et in Villa de Dorcestria et in Villa de Shaftesbyry et in Villa de Salesbyry et in Villa de Wylton et in Villa de Basyngstoke et in Villa de Andeverr et in Villa de Wynton et in Villa de Cicestre et in Villa de Marleburgh et in Villa de Abyndon et in Villa de Oxonia et in Villa de Wallyngford et in Villa de Reddyng et in Villa de Wyndesore et in Villa de Hertford et in Villa de Berkhamstede et in Villa de Sancto Albano et in Villa de Kyngeston et in Villa de Suthwerk et in Villa de Grenewych et in Villa de Hethe et in Villa de Romenye et in Villa de Lydde et in Villa de Rumenhale et in Villa de Cantuaria et in Villa de Hastyngs et in Villa de Wynchelse et in Villa de Portesmue et in Villa de Arundell et in Villa de Chichestre et in Villa de Guldeford et in Villa de Wyndesore

marcatas terre in loco sufficienti et competenti in partibus de Fyf vel Fothrif libere perfecerimus; ita sane quod si contingat, quod absit, dictum dominum Dauid in fata decedere ante dictam dominam Margaretam, sponsam suam, volumus et concedimus, pro nobis et heredibus nostris, quod prefata domina Margareta eandem pensionem sex marcarum dicti annui redditus pro toto tempore vite sue mere et pacifice extra omnem aliam partem ipsam contingentem teneat et possideat: Reddendo inde nobis et heredibus nostris duos denarios argenti, nomine albe firme, ad festum natiuitatis beati Johannis Baptiste, in manerio de le Wemis, si petantur, pro omni alio seruicio seculari, exac[t]ione et demanda tantum: Et est sciendum quod, cum predictus dominus Dauid vel heredes sui per nos vel heredes nostros de dictis sex marcatis terre hereditarie fuerint infeodati, vt superius dictum est, idem dominus Dauid et heredes sui facient nobis et heredibus nostris homagium, cum warda et releuio quandocunque contigerit: Nos vero Michael et heredes nostri predictas sex marcas annui redditus, vt supradictum est, predictis domino Dauid, domine Margarete, sponse sue, et heredibus suis, contra omnes homines et feminas warantizabimus, acquietabimus, et in perpetuum defendemus. In cuius rei testimonium presenti carte nostre sigillum nostrum apposuimus; hiis testibus, venerabilibus patribus, dominis Willelmo et Adam Dei gracia Dunkeldensi et Breychnensi episcopis, Alexandro et Adam de Dunfermlyn et Culenros abbatibus, dominis Andrea de Morauia, Alexandro de Mubray, Michaele Scot, militibus, et multis aliis.

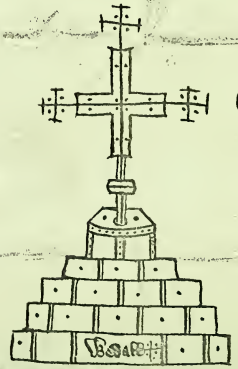
9. Gift by Isabella, Countess of Fife, to Allan of Erskine, lord of Inchmartin, of two reliefs of the lordship of Wemyss. 28th December 1362.

Vniuersis Christi fidelibus ad quorum noticiam presentes litere peruenerint, Isabella Domina de Fyffe, salutem in Domino: Vestra nouerit vniuersitas nos, diligenti deliberacione, dedisse, concessisse, et

donacionem ac concessionem nostram per presentes literas confirmasse dilecto et fideli nostro, Alano de Erskyne, domino de Inchemartine, pro suo fideli seruicio nobis impenso et eciam impendendo, duo releuia, vnum de veteri et aliud de nouo, nobis de omnibus terris dominii de le Wemis iure superioris domini contingencia: Quare dictarum terrarum de le Wemis heredibus et eorum assignatis firmiter precipimus et mandamus quatinus predicto Alano et eiusdem exequtoribus vel assignatis dicta duo releuia sine contradiccione aliqua persoluant, et de eisdem releuiis per nos eidem Alano et suis, ut premittitur, exequtoribus vel assignatis concessis intendentes existant et respondentes, sub pena omnium que erga nos et dominium nostrum amittere poterint. In cuius rei testimonium, presentibus literis sigillum nostrum fecimus apponi; datis apud Falklandd, die Mercurii, in festo Sanctorum Innocencium, anno Domini millesimo ccc^mo^ sexagesimo secundo.

10. Gift by Isabella, Countess of Fife, to Alan Erskine of Inchmartin, of the ward and relief of the heirs of John of Livingstone. 14th January 1366-7.

Vniuersis ad quorum noticiam presentes litere peruenerint, Isabella comitissa de Fyfe, salutem: Vestra nouerit vniuersitas nos, in viduitate nostra, dedisse, concessisse dilecto consanguineo nostro, Alano de Erskyne, domino de Inchemartyne, wardam heredis quondam Johannis de Leuyngistoun et releuium, si contigerit; ac eciam de omnibus heredibus eiusdem Johannis successiue, quousque vnus eorundem saysinam terrarum cum pertinenciis quas de nobis tenere clamat legitime fuerit adeptus, releuium, si contigerit, ut predicitur, prefato Alano, heredibus suis uel assignatis, persoluendo. In cuius rei testimonium presentibus sigillum nostrum fecimus apponi; datis apud Perth, quarto decimo die Januarii, anno gracie millesimo ccc^mo^ sexagesimo sexto.



11. Resignation by Sir David of Wemyss of certain lands in favour of John of Wemyss. 10th January 1373-4.

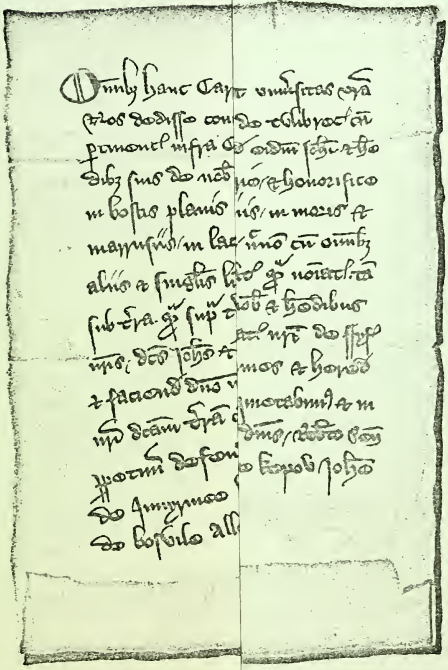
In Dei nomine amen. Anno ab incarnacione eiusdem, secundum cursum et computacionem ecclesie Scocie, millesimo ccc^mo^ lxx^mo^ tertio, die Martis decimo die mensis Januarii, in presencia testium subscriptorum et mei publici notarii, in ecclesia parochiali de Kyrk-Wemys, dominus Dauid de Wemys, in manus nobilis domini et potentis domini, Roberti Styward, comitis de Fyf et de Menteth, omnes terras quas idem dominus Dauid de predicto domino suo comite tenuit, non vi ductum, nec errore lapsum, set sua mera et pura atque spontanea voluntate, per quemdam baculum quem manu tenebat, eidem domino comiti sursum reddidit et resignauit; et post huius[modi] resignacionem predictus dominus comes in omnes terras predictas sic sibi resignatas Johanni de Wemys talem possessionem qualem predictus dominus Dauid in ipsis habuit seu possedit contulit, dedit, et concessit. Item idem dominus Dauid tunc ibidem omnes terras suas quas de domino Alano de Erskyne tenuit in manus predicti domini Alani per eundem baculum in omnibus, vt predictum est, sursum reddidit et resignauit, et predictus dominus Alanus talem possessionem qualem predictus dominus Dauid in ipsis terris sibi resignatis habuit seu possedit predicto Johanni de Wemys dedit pariter et concessit. Acta sunt hec die, loco, et anno suprascriptis; presentibus, Roberto Norvyle, Macolmo de Myrtoun, Ricardo de Balkanco, Alano M^c^Moryn, Michaele de Douery, testibus ad premissa vocatis specialiter et rogatis.

Et ego Henricus de Wedall clericus Glasguensis diocesis, publicus auctoritate apostolica et imperiali notarius, vna cum prenominatis testibus presens interfui; eaque fieri vidi et audiui, et in hanc publicam formam redegi; signoque meo consueto signaui, rogatus, in fidem et testimonium omnium premissorum.

Wedall.

12. INDENTURE between JOHN OF WEMYSS and DUNCAN OF WEMYSS, relative to the lands of Cameron and Reres. 8th December 1376.

HEC Indentura facta apud Monasterium Sancte Crucis de Edynburgh, die Lune, videlicet, festo Concepcionis beate Marie Virginis, anno Domini M^mo^ ccc^mo^ lxx^mo^ sexto, inter Johannem de Wemys, ex parte vna, et Duncanum de Wemys ex parte altera, testatur quod omnes conuenciones inter ipsos alias inite et confecte ex vtraque parte seruabuntur, secundum tenorem euidenciarum inde confectarum; et quod dictus Johannes de Wemys omnes terras in quarum possessione existit que fuerunt quondam domini Dauid de le Wemys capitalibus dominis earundem sursum reddet, pure et simpliciter resignabit; et faciet dictum Duncanum, omni festinacione qua poterit, secundum posse suum, habere statum hereditarium earundem, secundum quod tenor et talliacio in indenturis inde alias confectis proportant penitus et testantur. Concordatum est insuper inter partes predictas quod dictus Duncanus, cum omni sollicitudine, secundum posse suum, terras de Owyr Kambroun, et sex marcas an[n]ui reditus de molendino de Methkyl, a manibus dominorum capitalium earundem, quam cicius poterit deliberabit: quibus deliberatis, postea in eadem talliacione que alie terre ponuntur poni debent: Et si dictus Duncanus de dictarum terrarum et an[n]ui redditus deliberacione defecerit, predictus Johannes vires suas ad eas deliberandas apponet, sumptibus suis racionabilibus, sine fraude; de quibus expensis predictis Duncanus dicto Johanni satisfaciet competenter. Dictus insuper Duncanus quolibet anno septem annorum a festo Pentecostes anno Domini M^mo^ ccc^mo^ lxxx^mo^ vii^mo^ inmediate sequentium iij marchas cum dimidia sterlingorum dabit dicto Johanni vni capellano pro anima dicti domini Dauid celebraturo deliberandas: Dictus eciam Johannes habebit totam terram de Westyr Reres ad terminum x annorum a dicto festo



Omnib⁹ hanc Cartam visur⁹ vel auditurⁿ⁹ Robertus Dei gr⁹ Comes de [illegible] et de honorabilⁱ⁹ Galfr⁹ de Dive⁹ [illegible] vicecomes eiⁿ⁹ dem⁹ salutem. Cum ita sit q⁹ [illegible]

Pentecostes inmediate sequencium, pro firmis inde in indenturis contentis, libere, cum toto dominio eiusdem; et lapsis dictis x annis, si dictus Duncanus dictas terras de Reres, bonis suis propriis, et terram de Cambroun predictam ad plenum poterit oc[c]upare, ipse Duncanus vtramque terram ad vsum suum proprium possidebit: quod si facere non poterit, predictus Johannes predictas terras de Reres ad terminum ix annorum ex tunc inmediate sequencium habebit, condicionibus supradictis. Et dictus insuper Duncanus satisfaciet predicto Johanni de omnibus expensis quas ipse fecit in edificiis dictarum terrarum de Reres, valoris octoginta marcharum uel infra, ad quatuor terminos post exitum dicti Johannis a dicta terra inmediate sequentes, per equales porciones. Preterea, concordatum est inter partes predictas, quod quilibet eorum faciet alterum tam securum de condicionibus inter ipsos confectis et conficiendis secundum quod visum fuerit consiliis eorundem.

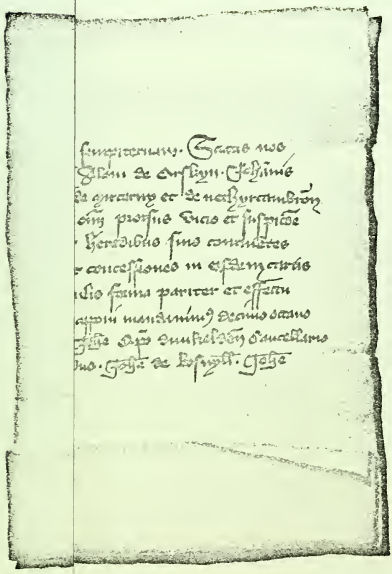
13. Charter by Robert Stewart, Earl of Fife and Menteith, to John of Wemyss, of the lands of Tulibreck. [1372-1398.]

Omnibus hanc cartam visuris vel audituris, Robertus Senescalli, comes de Fyfe et de Meneteth, salutem in Domino: Nouerit vniuersitas vestra nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto nostro, Johanni de Wemys, totam terram nostram de Tvlibrec, cum pertinenciis, infra comitatum nostrum de Fyfe, pro homagio et seruicio, per suas rectas metas et diuisas: Tenendam et habendam eidem Johanni et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, sine aliquo retenemento, libere, quiete, plenarie, et honorifice, in boscis, planis, in terris et aquis, in viis et semitis, pratis et pascuis, in venacionibus, aucupacionibus, et piscariis, in moris et marrisiis, in lacubus et stagnis, in fabrinis et brasinis, in molendinis et multuris, in curiis et eskaetis; necnon cum omnibus

aliis et singulis libertatibus, commoditatibus, ayziamentis, ac ceteris iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, ad dictam terram spectantibus, seu in futurum spectare valentibus quoquo modo: Faciendo inde nobis et heredibus nostris dictus Johannes et heredes sui seruicium debitum et consuetum, et tres sectas ad tria placita capitalia comitatus nostri de Fyfe, et faciendo domino nostro regi forincecum seruicium quantum ad dictam terram pertinet. Nos vero predictus Robertus comes, et heredes nostri, dictam terram cum pertinenciis predicto Johanni et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus, et in perpetuum defendemus. In cuius rei testimonium presenti carte sigillum nostrum iussimus apponi; hiis testibus, dominis Roberto Senescalli de Innyrmee, Willelmo de Ramyssai de Culluthi, Andrea de Valans, militibus, Hugone de Berclai de Kepov, Johanne de Bosvile, Allexandro de Kynmond, Symone de Hawden, clerico nostro, et multis aliis.

14. Confirmation by Robert, Earl of Fife and Menteith, of charters to Sir John of Wemyss of the lands of Myrecairnie and Nether Cameron. 18th June 1386.

Omnibus hoc scriptum visuris vel audituris, Robertus comes de Fyffe et Meneteth, salutem in Domino sempiternam: Sciatis nos, cum consilio nostro ad hoc specialiter conuocato, vidisse, inspexisse, perlegi fecisse, et diligenter examinasse cartas domini Alani de Erskyn, Johannis de Bosevill, et Roberti de Leuyngystoun, factas et concessas domino Johanni de Wemys et heredibus suis, de terris de Mircarny et de Nethyr Cambroun cum pertinenciis, que de nobis tenentur in capite, non viciatas, non abrasas, non abolitas seu cancellatas, sed omni prorsus vicio et suspicione carentes, donacionem et concessionem



...imperpetuum. Datas nos
...Gelam de christyan. Gehimé
...da generacy er de nacyuytatibꝫ
...cōy pressus Quas er sustinde
...Hereditbꝰ sms concedere
...concessiones in essam carās
...dio sama pariter er essam
...appin mandamꝰ Decimo octauo
...ffle dāp annuatim Decimo octauo
...nos. Gehē de Kyngill. Gehe

Omnibus hoc scriptum inspecturis vel audituris. Dominus comes de Ulfrid et Northerch Salutem in domino sempiternam. Scias nos anno curiae 1280 Hoc festo sancti Michaelis presentes fuisse in pleno comitatu de Dunelm. Johannem de Bosenhill et Robertum de Langchestun statum et concessisse Deo Johanni de Wemyss et heredibus suis de terris de Greatney et de Nathyratmilton cum privilegio quae de nobis tenentur in capite, non solutis non absolutis non allocatis seu emallatis ab omni prorsus Dicto et suspitione cuiuscunque donationis et concessionem dictorum terrarum cum privilegio factis a patre Johanni de Wemyss de hereditabile suo confirmetis Nos eam confirmare comes predictus precibus eorum et dilectis nostris cum privilegio donationis et concessionis in eisdem terris contentis. eidem Dño Johi de Wemyss et heredibus suis imperpetuum in omnibus suis privilegiis et articulis suum perpetuo et efficaci suffragium impartimur et hoc presens scriptum in cujus rei testimonium sigillum nostrum fecimus apponi. Datum anno die mensis supra scriptis. Hiis testibus Dño Johe Comite de Atholia Dño Humfredo de Bohun Comite de Hereford et Northampton Constabulario Scotie. Dño Johe de Lyndesay Dño de Crawford Dño Willelmo de Hay Dño de Erroll Constabulario Scotie. Dño Johe de Mowbray. Dño Johe de Graham. et multis aliis

dictarum terrarum cum pertinenciis factas eisdem Johanni de Wemys et heredibus suis continentes: Nos vero Robertus, comes prefatus, predictas cartas et dictarum terrarum cum pertinenciis donaciones et concessiones in eisdem cartis contentas, eidem domino Johanni de Wemys et heredibus suis supradictis, in omnibus suis punctis et articulis, forma pariter et effectu, ratificamus, approbamus, et hoc presenti scripto in perpetuum confirmamus. In cuius rei testimonium presenti carte nostre apponi mandauimus, decimo octauo die mensis Junii, anno Domini millesimo tricentesimo octogesimo sexto; hiis testibus, reuerendo in Christo patre, Johanne episcopo Dunkeldensi, cancellario Scocie, nobilibus et discretis viris, dominis Thoma Sebalde, Jacobo de Valonijs, Alano de Erskyn, militibus, Johanne de Bosuyll, Johanne de Glen, et multis aliis.

15. Lease by Allan of Erskine of Inchmartin to Sir John of Wemyss, knight, of the lands of Petlassie. 15th December 1386.

Pateat vniuersis per presentes, nos, Alanum de Erskyne, dominum de Inchemartyne, assedasse et ad firmam dimisisse dilecto filio nostro, domino Johanni de Wemys, militi, omnes terras de Petlassy cum omnibus suis pertinenciis, libertatibus, commoditatibus, ad dictas terras spectantibus, seu spectare valentibus quoquomodo in futurum, vsque ad exitum terminorum nostrorum, prout in euidenciis nostris plenius continetur nobis factis et concessis per Johannem de Remorgeny, dominum de Petglassy: Reddendo inde predictus dominus Johannes prefato Johanni de Remorgeny, pro spacio terminorum nostrorum, quolibet anno, decem libras sterlingorum vsualis monete: tempore vero ipsius introitus incipiente ad festum Sancti Martini in hyeme, anni Domini millesimi ccc^{mi} lxxx^{mi} sexti. Et predictus

dominus Johannes omnia onera, vt in euidenciis ipsius domini Alani continentur, a tempore eiusdem Johannis introitus vsque ad exitum eiusdem, subportabit. Predictus vero dominus Alanus, sui heredes et assignati, prefatam assedacionem eidem domino Johanni warantizabunt. In cuius rei testimonium sigillum nostrum presentibus est appensum, apud Reress, xv die mensis Decembris, anno [et] die supradictis.

16. Indenture between Sir John of Wemyss, lord of Kincaldrum, and Thomas of Inverleven, respecting the lands of Inverleven. 10th October 1388.

In Dei nomine amen. Per presens publicum instrumentum indentatum cunctis pateat euidenter, quod anno gracie millesimo ccc^mo octogesimo octauo, indictione vndecima, die decima mensis Octobris, pontificatus sanctissimi in Christo patris ac domini nostri, domini Clementis diuina prouidencia pape septimi anno nono, hec conuencio facta fuit inter nobilem dominum et potentem, dominum Johannem de Wemys, dominum de Kyncaldrum, ex parte vna, et discretum virum, Thomam de Inuerlewyn, ex altera: Euidenter protestatur, videlicet, quod dictus Thomas, non vi coactus, nec errore lapsus, set mera et spontanea voluntate sua, in mei notarii presencia, recognouit se concessisse et dedisse totum ius et clameum sibi hereditarie pertinencia quod habet vel habere poterit in futurum in terris de Inuerlewyne cum pertinenciis, sub condicione subscripta, domino Johanni de Wemys predicto, pro consilio auxilio et beneuolencia dicto Thome factis et faciendis; et principaliter pro terris de Inuerlewyn de manibus dominorum superiorum ad comodum dicti Thome acquirendis et recuperandis; propter quod vero dictus dominus Johannes coram me notario publico se bona fide, non coactus, obligauit quod propter dictas terras de Inuerlewyne acquirendas, et ad posses-

sionem et comodum dicti Thome recuperandas, infra duorum annorum spacium a festo Pentecostes datam presencium proxime inde sequens, toto posse quam cito comode poterit diligenter et fideliter laborabit: Quibus vero recuperatis, de parte vtraque est concordatum quod prefatus Thomas ipsas terras prefatas cum ipsarum iuribus vniuersis in manibus domini superioris incontinente, sine obstancia aliquali, tempore voluntatis dicti domini Johannis beneuolenter in forma debita resignabit: Quod si non fecerit spontanee non coactus, coram me notario et testibus subscriptis, in quadraginta libris sterlingorum, cum dampnis et expensis medio tempore factis, sub bona fide obligatur, per dictum dominum Johannem et heredes suos, de dicto Thoma vel possessionibus suis quibuscunque sine remissione leuandis et detinendis, et ad conuencionem prefatam sine fraude conseruandam: Et si casu fortuito contingat quod prefatus dominus Johannes dictas terras per modum prescriptum nequeat recuperare, nec ad intencionem conuencionis infra terminum prenotatum effectualiter reducere, dicto termino, videlicet, duorum annorum elapso, inter dictos dominum Johannem et Thomam extitit plenarie concordatum quod dictus dominus Johannes dictum Thomam sub federe et conuencione prius facta, quamdiu dicto domino Johanni fuerit placabile habebit dicto Thome, deinde pro toto tempore vite sue, octo marcas proporcionaliter pro dictis terris de Inuerlewyn, ad terminos vsuales, videlicet, ad festa Pentecostes et Sancti Martini in yeme, vel infra octo dies post quemlibet terminum inmediate sequentes persoluendo: Et si contingat dictum dominum Johannem, industria diligenti peracta, dictas terras de Inuerlewyn de manibus dominorum superiorum recuperare, extitit insuper inter dictos dominum Johannem et Thomam plenarie concordatum quod dictus Thomas capitali dominio quod dicitur le franktenement, pro toto tempore vite sue gaudebit, et dominus Johannes de Wemys prefatus in feodacione ipsarum causa recuperacionis permanebit dicto Thome pro toto tempore vite sue annuatim pro dictis terris de

Inuerlewyne octo marcas sterlingorum ad duos anni terminos, per equales porciones, vt prius, persoluendo; videlicet, ad festa Pentecostes et Sancti Martini in yeme, vel infra octo dies dictos terminos inmediate sequentes: Quod si dictus dominus Johannes non fecerit, tota conuencio predicta et fedus in presenti scripto indentato confectum ad voluntatem dicti Thome erunt reuocande et totaliter adnichillande, non obstante quin dictus Thomas et sui successores focale racionabile, pro se et suis, in terra de Inuerlewyn predicta, cum libero introitu et exitu, per terram predictam ad sua agenda inperpetuum possidebunt, cum piscacione aque de Lewyne dicte terre incumbente, vna cum insula que vocatur Werdale, in medio aque de Lewyn iacente; quibus vero omnibus et singulis predictis per dictum dominum Johannem diligenter et fideliter examinatis, et laboribus ad dominos superiores pro predictis terris acquirendis beneuolenter et assidue factis, tuncque si dicto domino Johanni videatur quod predictas terras nullo modo valeat recuperare, nec conuencionem aliqualiter ad propositum reducere, se ex mera voluntate coram me notario publico consentit et obligat bona fide dictam conuencionem sic factam dicto Thome relaxare, necnon sibi ipsam quitam reddere inperpetuum sine calumpnia aliquali de ipso vel successoribus suis quibuscunque aliqualiter facienda; et abinde ipsum Thomam consulere, supponere, adiuuare propter predictas terras recuperandas quomodo et qualiter ad comodum dicti Thome melius poterunt reduci seu exinde quid melius comode fieri videatur. Super quibus omnibus et singulis predictus dominus Johannes a me notario publico publicum requisiuit instrumentum. Acta fuerunt hec apud Reres, anno, die, mense, indiccione et pontificatu predictis; presentibus discretis viris, magistro Thoma de Kylqwonqwar, perpetuo vicario ecclesie de Cupro, domino Willelmo Lange, capellano, Johanne de Remorgny et pluribus aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Nicholaus Allatese clericus Sanctiandree dyocesis publicus et apostolica auctoritate notarius [*etc.*].

17. INDENTURE between SIR JOHN OF THE WEMYSS, lord of Kincaldrum, and DUNCAN OF THE WEMYSS, respecting the lands that belonged to Sir David of Wemyss. 10th June 1389.

THIS endenture, made at Reras, the ten day of the moneth of Junii, the yhere of oure Lard millesimo ccc^mo^ octuagesimo nono, betwyx a nobyl man, Scyr Jon of the Wemys, lard of Kyncoldrom, of the ta part, and Doncane of the Wemys, the son and the ayre of qwhyllom Scyr Dauy of the Wemys, lard of Camroun, of the tothir part, euynlyke til all men wydin the seluyn berys wytnes; that is to say, that the forsayde Doncane, nocht trocht dwt, na awe led, bot frely and wyd gude wyl, has gyfyn and grawntyt, and, trocht this present endenture, al vttrely ratyfyit and confermyt al tha landys that war the qwylom Scyr Dauys, or mycht have bene trocht ony rycht or lawch tyl hym pertenand, or to the forsayde Doncane, and all the landys the qwhylkys the forsayde Scyr Dauy gef and resignyt vp in hys ourelardys handys; to be gyfyn to the forsayde Scyr Jon and hys ayrys and hys assigneis tha landys fornemmyt, or ony vthir that the qwyllom Scyr Dauy had rycht to, or mycht have had, or the forsayde Doncane hys soun: To be haldyn and had to the forsayde Scyr Jon, and til hys ayrys and hys assigneis, fra the forsayde Doncane and hys ayrys for euirmare, wyd al pertenans, commoditeis, fredomys, and esementys to tha fornemmyt landys, all and syndry pertenand, as it ys contenyt and specyfyit in all poyntis into the chartrys of the fornemmyt landys trocht the forsayde Scyr Dauy to the forsayde Scyr Jon made before this tyme, or of ony wys may pertene troch ony rycht of the forsayde Scyr Dauy, or of Doncane, into tyme to cum eftyrwart; als wele landys and possessiounys nocht nemmyt as nemmyt, als wele vndyr erd as wth, als frely, quietly, fullyly, pesabylly, and onwrabylly, wele and into pece, as the forsayde Scyr Dauy tha landys wyd the aportenans held or had, or of ony wyse frelyer mycht have haldyn or have hade, or of

ony vthir landys til the forsaide Scyr Dauy, or til the forsayde Doncane, of rycht or of lawch pertenand. And als it is acordyt betwyx the partys fornemmyt that the forsayde Scyr Jon sal gyf to the forsaide Doncane, til hys sustentacione and hys vphauld for terme of lyve, al hys land of Kylmanyne, saufand til the forsayde Scyr Jon hys tenandrys and hys orchard, and twa acrys of land till hys gardenare, and al that to the forsayde Scyr Jon pertenys of rycht, or may pertene, of al hys land of Myrecarny, wyd the pertenans, durand the terme of the forsayde Doncanys lyve, and the ayrys of the forsayde Scyr Jon to the forsayde Doncane ar oblyst of that ylke maner; the forsayde Doncane gyfand to the forsayde Scyr Jon and til hys ayrys yhere be yhere, at twa termys of the yhere, that is to say, at Qwhyssonday and Martimes into wyntyr, aucht penys of syluer of vsuale monay proporcyonaly, into name of male: and the forsayde tha landys fornemmyt troch hym gyffyn into the fwrme and the condicyonys forsayde to the forsayde Doncane, durand the tyme fornemmyt, agayne al dedelyke sal warand, aquyte, and defend. And als it is acordyt that the forsayde Doncane is oblyst for hym and hys ayrys, vndyr the payne of twa hundyr mark of sterlyngys, to be raysyt and tane to the werk of the kyrk of Saynt Androus, wydouttyt ony forgyveyng or remyssione, and to the forsayde Scyr Jon, or tyl hys ayrys or hys assigneis, thre hundyr mark of sterlyngys of vsuale monay for thaire costis and thaire skathys, gyf euyr thai make ony questione or mouyng be the lawch into the contrary of this endenture, in ony thyng, or euyr thai be hard before ony iuge, syculare or ecclesiastyr. And til there thyngys al and syndry lelily and fermly to be fulfyllyt and yhemmyt, bath the partys fornemmyt, the haly wangelis twechyt, the gret ath bodylyke has sworn, wyd myd fayth gyfyn, syckyrly ar óblyst. Into wytnes of the qwhylk thyng, to the part forsuth of this endentur to the forsayde Scyr Jon remaynand the selys of reuerand faddrys into Crist, the byschop of Saynt Androus and the pryoure of that

ilke place, togyddyr wyd the sele of the forsayde Doncane ar to-put; to the part forsuth of this endenture to the forsayde Doncane remaynand, the sele of the forsayde Scyr Jon is to-put. Gyfyn the day, the place, and the yher fornemmyt.

18. PROTEST by SIR JOHN OF WEMYSS, lord of Kincaldrum, against THOMAS OF INVERLEVEN, for non-fulfilment of a contract. 7th February 1389-90.

IN Dei nomine amen. Anno a natiuitate eiusdem millesimo ccc^mo octogesimo nono, indictione duodecima, ac die septima mensis Februarii, pontificatus sanctissimi in Christo patris ac domini nostri, domini Clementis diuina prouidencia pape septimi anno nono: In mei notarii presencia et testium subscriptorum, ad hoc vocatorum et rogatorum, constitutus potens dominus, dominus Johannes de Wemys, miles, dominus de Kyncaldrum, accessit ad manerium de Inuerlewyn ad presenciam Thome de Inuerlewyn, domini eiusdem, et ibidem in mei notarii presencia quamdam euidenciam indentatam, ac sub manu publica confectam, de quodam contractu inter dictum dominum Johannem et dictum Thomam inantea concordato presentauit; quam per me notarium publicum infrascriptum publice legi fecit: Post cuiusquidem euidencie lecturam, dictus dominus Johannes a dicto Thoma requisiuit ut sepius inantea fecerat, ut asseruit, ut omnia contenta in dicta euidencia indentata, ac sub manu publica confecta, vellet perimplere, et principaliter ad resignandum dictas terras de Inuerlewyn in manus dominorum superiorum earundem, ut in dicta euidencia continetur, cum omnia per ipsum dominum Johannem ad que in dicta euidencia, ut asseruit, fuerat obligatus perimplebat. Ad que vero dictus Thomas auisate respondit dicens quod non potuit nec vellet reuocare nec contradicere quin omnia per ipsum dominum Johannem, ad que in dicta euidencia fuerat obligatus, bene et integre fuerant per-

impleta; tamen, ut tunc auisatus, non poterat nec vellet in dicta euidencia contenta perimplere: Quapropter dictus dominus Johannes adhuc, ut supra, dictum Thomam, in presencia astancium, requisiuit quare contenta in euidencia antedicta inter ipsos confecta nolebat perimplere, ex quo per ipsum dominum Johannem obligata in dicta euidencia integre fuerant perimpleta, et hoc de concessu dicti Thome in plurium presencia fuerat patefactum. Ad quod dictus Thomas tunc, ut supra, respondit quod, quamuis ipse dominus Johannes auisate cum suo consilio ipsa contenta in dicta euidencia requisiuit perimplenda, tamen ipse Thomas, ut asseruit, consilium amicorum pro tunc non poterat promte habere; vnde finaliter, ut tunc auisatus, respondit quod contenta in dicta euidencia indentata de contractu predicto confecta non poterat nec vellet nullatenus perimplere. Hiis dictis, prefatus dominus Johannes protestabatur quod ex quo sepius inantea ut tunc contenta in dicta euidencia requisiuit ne sibi preiudicium generaret aliquale. Super quibus omnibus et singulis dictus dominus Johannes a me notario publico publicum requisiuit instrumentum. Acta fuerunt hec, apud Inuerlewyn, ex parte boreali eiusdem, iuxta viam regiam quo itur a molendino ad Kennoqwy, sub anno, die, indictione, et mense quibus supra; presentibus, discretis viris, Alexandro Mure, Willelmo Lasselys, Johanne de Cragy, Johanne de Haldanstoun, Alano Fermour, et pluribus aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Nicholaus Allattes, clericus Sanctiandree diocesis, publicus auctoritate apostolica notarius [*etc., in forma communi*].

19. Charter by Robert Livingstone of Drumry to John Wemyss of that ilk, of the lands of Myrecairnie, and others. [*Circa* 1390.]

Omnibus hanc cartam visuris vel audituris, Robertus de Lewynstoun, dominus de Drumry, salutem in Domino. Nouerit vniuersitas vestra,

Dim dño Comte dimittas oza' me
dep ow consilio p angelis in impiis
& mp̃ pramicion & de werkyll in pd
cim tas in princeis cum Jhsu &
Ped rite & honorifice in bosis/plans
agn pengis/rivbois/caydonois
& vngay ꝑtin in bondes bon/
dignsenay ad dns has in pd &
mlis tam spe qm̃ gnal tam od
sa. tas & vny qm̃libet in pticad
de myo regi dom Jhsu & Deus
custo - Jn cui? rei testim
sigi Comte de ffif & de weneretyh
pat Roma epbali & mlis aliis

Dimibus hanc cartam visus vel audivis Robertus de Kellyngeston Dnus de Grimyz Salutem in Dno Noverit dilectus vrad me
dedisse, concessisse et hac presenti carta mea confirmasse dilecto consanguineo meo Johi de Wemys q̄ suo consilio p̄ auxilio in omnib
& impendend' omes terras meas de Gyffordyn. de le Hawk. de Edmyston. de Polgarth. de Clerkyngton et de Yorkhyll in p̄
dim et omnib' alijs suis. eisdem mis. hereditar' de ffeff. & Dnicis & hijs omib' alijs meis pertin in p̄tenencijs eidm Johi et
Hedwij eius. de me et hedijs meis in feodo & hereditate imperpm. adeo lib'e. quiete. plenarie. mre & honorifice in bosc's. planis
aquis. stagnis. pascuis. pastuis & pertin' in Venacoñ. anonpacoñ & pastuacoñ. moris. mossis. pcuris. turbarijs. caydonagijs
cū lapide & calce. fullonis & hidonis. cū molendinis. multis & sequel' eius. cū omib' esiamt & pasturag' cum. in boscis. dem
dagijs. & maremijs. hijs. vnon & cū diversis alijs libertat'. comoditat'. easiamt' & pō quibuscūq. ad dict' terr. cū p̄t
nib' libere. quiete. honorifice. cum quoq̄ mo. quocūq. valeant. in futurum. tam nō nominat' q̄ nominat'. tam q̄pe q̄ pcul tam ob
scur. q̄ manifest. & imp̄ in omnib' & p omn'. Dicens Dnus de Wemys milites easdm terras p̄dictas & vnam q̄libet cū p̄tin'
de me suis hered'. assign' meis. vlianis tenend' & hend'. de capitalib' dnis feodi p seruic' inde Dno regi vel Johi & Hedwi
eius sponsi. dimid' q̄ dict' terre debent & consueu. Et ego Robtus in meo & suor' nomine. & hered' meor' & assign' meor'
contra omnes gentes. p̄fat' terras cum p̄tin' meis. & dict' Johi & Hedwi eius. sponsis. warrantizabim' & defendem' imp̄petuū.
In cuius rei testimoniū huic carte mee sigillū meum apposui. Hijs testib' nobilib' & potentib' Dno Dno Roberto Comite de Fyffe & de Menetethe
patruo de Fyffe. Roberto de Wemyssone militib' Johne de Kellyngston Dno de Balcomy. Willmo Cybald & multis alijs

me dedisse, concessisse et hac presenti carta mea confirmasse dilecto consanguineo meo, Johanni de Wemys, pro suo consilio et auxilio michi impensis et impendendis, omnes terras meas de Myrcarny, de le Rath, de Glenystoun, de Polguld, de Nethir Cambroun et de Methkyll, cum pertinenciis omnium et singularum terrarum earundem, infra vicecomitatum de Fyff: Tenendas et habendas omnes terras meas predictas cum pertinenciis eidem Johanni et heredibus suis, de me et heredibus meis, in feodo et hereditate imperpetuum, adeo libere, quiete, plenarie, inte[gre] et honorifice, in boscis, planis, aquis, stagnis, pratis, pascuis et pasturis, in venationibus, aucupationibus et piscationibus, moris, maresiis, petariis, turbariis, carbonariis, cum lapide et calce, fabrinis et bracinis, cum molendinis, multuris et sequelis suis, cum curiis, escaetis et curiarum exitibus, cum bondis, bondagiis et natiuis hominibus, necnon et cum omnimodis aliis libertatibus, commoditatibus, aysiamentis et pertinenciis quibuscunque ad dictas terras cum pertinenciis et quamlibet earundem spectantibus, seu quoquo modo spectare valentibus in futurum, tam non nominatis quam nominatis, tam prope quam procul, tam sub terra quam supra terram et infra, in omnibus et per omnia, sicut Dauid de Wemys, miles, easdem terras predictas et ipsarum quamlibet cum pertinenciis de me aut predecessoribus meis aliquo tempore tenuit, habuit seu possedit: Faciendo inde domino nostro regi idem Johannes et heredes sui forinsecum seruicium pro dictis terris debitum et consuetum, et saluo mihi meo seruicio solito et consueto. In cuius rei testimonium, sigillum meum presenti carte mee est appensum; hiis testibus, nobili et potenti domino [et] dominis, Roberto comite de Fyf et de Meneteth, Patricio de Grahame, Roberto de Danyelstoun, militibus, Johanne de Lewynstoun domino de Kalenter, Thoma Sybald et multis aliis.

20. Instrument relative to dispute betwixt John of Wemyss, lord of Kincaldrum, and Thomas of Inverleven. 10th February 1391.

In Dei nomine amen. Anno a natiuitate eiusdem M° ccc^mo nonagesimo primo, indiccione quartadecima, ac die decima mensis Februarii, pontificatus sanctissimi in Christo patris ac domini nostri, domini Clementis diuina prouidencia Pape septimi anno tercio decimo: In mei notarii publici et testium subscriptorum presencia, ad hoc vocatorum et rogatorum, constitutus honorabilis vir, dominus Johannes de Wemys, miles, dominus de Kyncaldrum, accessit ad presenciam Thome de Inuerlewyn, patris, et ipsum super pactum obligatorium inter ipsum dominum Johannem et ipsum Thomam prius factum, prout patet sub manu publica exinde confecta, requisiuit perimplendum, cum omnia per ipsum dominum Johannem dicto Thome facienda finaliter secundum instrumenti tenorem super hoc confecti perficiebat; et cum de pacto prius mera voluntate concesserat, quin contenta in dictis euidenciis inter ipsum et dictum dominum Johannem perficiebantur, et super per ipsum Thomam dicto domino Johanni fuerat requisitus facienda. Ad quod dictus Thomas, modico temporis interuallo, auisatus, respondebat, dicens, quod prout tunc auisatus, nequiuit dictum pactum obligatorium perimplere: Cui dictus dominus Johannes admiratione respondit: Cur sic? cum [pactum] obligatorium per me factum est in omnibus finaliter perimpletum, et, hoc facto, michi tenemini vestrum [pactum] obligatorium, nullo proponendo in contrarium obstante, in omnibus suis punctis et articulis perimplere. Ad quod dictus Thomas, Scio re vera, et michi notorie est intellectum, quod obligacio per vos michi facta est in omnibus finaliter, vt patet sub manu publica exinde confecta, perimpleta: tamen, prout nunc auisatus, dictum vestrum pactum per me obligatorium vobis factum, nequeo nullatenus ad presens, vt nunc auisatus, adimplere. Super quibus omnibus et singulis dictus

dominus Johannes a me notario publico publicum requisiuit instrumentum. Acta fuerunt hec in campis iuxta manerium de Inuerlewyn, hora nona diei, sub anno, die, indictione, mense, et pontificatu quibus supra; presentibus, discretis viris, domino Nicholao Stany, capellano Sanctiandree diocesis, Johanne de Haldanstoun, Alano Fermour, Johanne de Cragy, et pluribus aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Nicholaus Allattes, clericus Sanctiandree diocesis, publicus et apostolica auctoritate notarius, premissis omnibus et singulis, dum vt premittitur, agerentur et fierent, vna cum prenominatis testibus presens fui; eaque sic fieri vidi, audiui, publicaui, signoque meo solito signaui, rogatus et requisitus in testimonium omnium premissorum. N. Allattes.

21. Confirmation by King Robert the Third to John of Wemyss, knight, of the lands of Reres and others. 16th October [1392].

Robertus Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis salutem. Sciatis nos approbasse, ratificasse et hac presenti carta nostra confirmasse donaciones et concessiones illas quas carissimus frater noster Robertus comes de Fyf et de Meneteth fecit et concessit dilecto nostro Johanni de Wemys, militi, de terris de Reres et de aliis terris quibuscunque, quas idem miles tenet de ipso comite de Fyf infra baroniam de Reres, de terris de Myrecarny, de Newtoun et de Markynche, de Nethir Cameroune, de Westir Taruate et de Tulybrek cum pertinenciis: Confirmauimus eciam donaciones et concessiones illas, quas Alexander de Abirnethy, miles, fecit et concessit quondam Johanni, militi, auo dicti Johannis hereditarie de terris de Kyncaldrom cum pertinenciis: Confirmauimus eciam donaciones et concessiones illas, quas Alanus de Erskyne, Robertus de

Levyngstoun et Johannes de Bosevyle fecerunt et concesserunt hereditarie dicto Johanni de Wemys, de terris de Rate, Glennystoun et de Polgulde cum pertinenciis, iacentibus infra vicecomitatum de Fyf: Tenendis et habendis prenominatis terris vniuersis et singulis cum pertinenciis eidem Johanni de Wemys et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut in cartis predictorum infeodancium plenius continetur; saluo seruicio nostro. In cuius rei testimonium presenti carte nostre confirmacionis sigillum nostrum precepimus apponi; testibus venerabilibus in Christo patribus, Waltero et Matheo Sanctiandree et Glasguensis ecclesiarum episcopis; Roberto de Fyf et de Meneteth, fratre nostro karissimo, Archebaldo de Douglas domino Galwydie, consanguineo nostro, comitibus; Jacobo de Douglas domino de Dalketh, Thoma de Erskyne, consanguineis nostris dilectis, militibus; et Alexandro de Cokburne de Langtoun custode magni sigilli nostri; apud Dunfermlyne, sexto decimo die Octobris anno regni nostri tercio.

22. Charter by Walter Traill, Bishop of St. Andrews, confirming to Sir John of Wemyss, lord of Kincaldrum, the lands of Methill. 20th March 1392-3.

Omnibus hanc cartam visuris vel audituris, Walterus miseracione diuina episcopus Sanctiandree, salutem in Domino sempiternam: Nouerit vniuersitas vestra nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donacionem illam et concessionem quas dominus Alanus de Erskyne, dominus de Inchemartyne, fecit et concessit domino Johanni de Wemys, domino de Kyncaldrum, de terris de Methkil cum pertinenciis, que de nobis tenentur in capite infra vicecomitatum de Fyff: Tenendis et habendis predictis terris eidem Johanni et heredibus suis, in feodo et hereditate, per omnes rectas

Omnibus hanc cartam visuris vel audituris Robertus Comes de Strif & de Menteith Salutem in Dno sempiternam
Noverit vos devisse concessisse & hac presenti carta mea confirmasse dilecto consanguineo meo Dno Johanni de Menyp militi
pro homagio & servicio suo cuius carucas terre in Gadebern cum le Westhalch de Gedene que fuerunt Thome de Findelayn
& que michi devenerunt eo quod ablate mee consensu & licencia fuerunt alienate infra excommunicati de Strif: Tenendas & habendas
dicto Dno Johanni & heredibus suis de me & heredibus meis de domino Rege & suis heredibus per omnes rectas
metas suas & divisas in boscis & planis pratis pascuis & pasturis in moris mariscis viis & semitis aquis & stagnis
venacionibus aucupacionibus & piscacionibus molendinis aysiamentis & cetera sequela ad Omnes escaetas & curiam spectantes
ambachis & carbonariis cum lignis & cultis cum boscis & haliet cum libo molendino & aucupacione in eadem pastura & cum omnibus aliis
libertatibus commoditatibus aysiamentis & usibus pertinentibus sive subditis tam non notatis quam notatis tam que de
eadem terra de Gadebern de antiquo tenuit ad dictas terras cum pertinentiis sen quocumque modo placeat dicto Johanni in futurum habend
& tenend libere & in pace sine alicuius vexacionis impedimento Faciendo inde domino Regi Dno Johanni & heredibus suis servicium
meum & debitum & debitam domino Capitali de feodo sen de quibus dominis [illegible] Dicta vero terra
supra dicto Dno Johanni quamdiu vixerit warrantizabo defendam & acquietabo contra omnes homines & feminas
que de dicto Dno & me & meis heredibus Omnibus de Strif & omnibus aliis clamet seu clamare poterit vel requirat In cuius rei testimonium
presenti carte sigillum meum Quoad istud testimonium una cum sigillo nobilis viri Gwydonis
Comitis Flandrie apponi [illegible] Hiis testibus dominis filiis meis & hiis dnis Johanne senescallo de Gudenach Gaudo de Dalmeny Johanne
de Glen Johanne Cheyne Constabulario comitatus mei militibus domino Johanne Lyon nepote
meo & aliis aliis

metas et diuisas suas, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, et viuariis, molendinis, multuris et eorum sequelis, fabrinis, brasinis, petariis, carbonariis, aucupacionibus, piscacionibus, et venacionibus, necnon cum omnibus aliis et singulis libertatibus, commoditatibus, aysiamentis, ac iustis pertinenciis quibuscunque ad dictas terras spectantibus, seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre, et honorifice, bene et in pace, sicut carta dicti domini Alani eidem domino Johanni exinde confecta in se plenius iuste continet, et proportat; saluo seruicio nostro. In cuius rei testimonium presenti carte nostre confirmacionis nostrum fecimus apponi sigillum. Datum apud manerium nostrum de Inchemurthach, vicesimo die mensis Marcii, anno Domini millesimo trescentesimo nonagesimo secundo.

23. Charter by Robert, Earl of Fife and Menteith, to Sir John of Wemyss, of the lands of Inverleven and Westhaugh of Scoonie. Dated *in dorso* 1395.

Omnibus hanc cartam visuris vel audituris, Robertus comes de Fyf et de Menteth, salutem in Domino sempiternam: Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, domino Johanni de Wemys, militi, pro homagio et seruicio suo, omnes terras nostras de Inuerlevyn, cum le Westhalch de Scvne, que fuerunt Thome de Inuerlevyn, et que nobis deuenerunt eo quod absque nostro consensu et licencia fuerunt alienate, infra vicecomitatum de Fyf: Tenendas et habendas omnes predictas terras, cum omnibus suis pertinenciis, predicto domino Johanni et heredibus suis masculis, inter ipsum et dominam Issabellam, filiam domini Alani de Erskyne, militis, sponsam suam, consanguineam nostram, procreatis seu procreandis; quibus deficientibus, rectis [heredibus] prefati domini Johannis quibuscunque, de nobis et heredibus nostris, comitibus de

Fyf, in feodo et hereditate imperpetuum; per omnes rectas metas suas et diuisas, in boscis et planis, pratis, pascuis et pasturis, in moris, marresiis, viis et semitis, aquis et stangnis, venacionibus, aucupacionibus, et piscacionibus, molendinis, multuris et eorum sequelis, cum curiis, escaetis et curiarum exitibus, cum petariis, turbariis et carbonariis, cum lapide et calce, cum bracinis et fabrilibus, cum libero introitu et exitu in communi pastura, et cum omnibus aliis libertatibus, commoditatibus, aysiamentis et iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam prope quam procul, tam sub terra quam supra terram, ad dictas terras cum pertinenciis spectantibus, seu quoquo modo spectare valentibus in futurum, libere et quiete, bene et in pace, sine aliquo retinemento, imperpetuum: Faciendo inde annuatim predictus dominus Johannes et heredes sui masculi inter ipsum et prefatam dominam Issabellam procreati seu procreandi, quibus deficientibus, recti heredes eiusdem domini Johannis quicunque, seruicia inde debita et consueta nobis et nostris heredibus, comitibus de Fyf, pro omni alio seruicio seculari, exaccione vel demanda, que de dictis terris cum pertinenciis aliqualiter exigi poterunt vel requiri. In cuius rei testimonium presenti carte nostre sigillum nostrum fecimus apponi; hiis testibus, Murdaco, filio nostro et herede, dominis Johanne Senescalli de Inuermeth, Jacobo de Valance, Johanne de Glen, Johanne Bosevyle, consanguineiis nostris, militibus, Dauid Flemyng, consanguineo nostro, Johanne Lyoun, nepote nostro, et multis aliis.

24. Charter by George of Dunbar, Earl of March, to William and John, sons of Robert of Inverleven, of the Haugh, in the barony of Scoonie. 10th August 1395.

Omnibus hanc cartam visuris vel audituris, Georgius de Dunbarr comes Marchie dominus vallis Anandie et Mannie, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse et presenti carta nostra

confirmasse Willelmo de Enerlevyn et Johanni de Enerlevyn, filiis quondam Roberti de Enerlevyn, illam terram cum pertinenciis que vocatur le Halgh, in baronia de Scuny, infra comitatum de Fyfe: Quamquidem terram cum pertinenciis Thomas de Enerlevyn, auus predictorum Willelmi et Johannis, nobis coram pluribus per fustem et baculum sursum reddidit et pro se et heredibus suis pro perpetuo resignauit: Tenendam et habendam predictis Willelmo et Johanni et heredibus suis de nobis et heredibus nostris, in feodo et hereditate imperpetuum, cum omnibus commoditatibus, libertatibus et aysiamentis ad dictam terram cum pertinenciis iuste spectantibus seu spectare valentibus in futurum, adeo libere et quiete, honorifice et in pace, sicut predicta terra cum pertinenciis de nobis ante resignacionem factam tenebatur: Concessimus etiam quod predicti Willelmus et Johannes et heredes sui habeant focale in terris nostris de Enerlevyn continue et annuatim quantum eis sufficienter sufficere poterit, per visum et ex deliberacione balliui nostri ibidem, cum libero introitu et exitu cum focali suo per predictas terras nostras de Enerlevyn in viis consuetis: Faciendo predicti Willelmus et Johannes et heredes sui nobis et heredibus nostris annuatim pro dictis terris tres sectas ad tres curias nostras capitales apud Threpinche: Quamquidem terram cum pertinenciis nos predictus Georgius et heredes nostri prefatis Willelmo et Johanni et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et inperpetuum defendemus. In cuius rei testimonium sigillum nostrum presentibus est appensum apud Dunbarr, decimo die Augusti anno Domini millesimo CCC^{mo} nonagesimo quinto; hiis testibus, Patricio de Dunbarr fratre nostro, Gilberto Heryng, Alexandro de Hamyltoun, militibus, consanguineis nostris, Patricio Heryng, Henrico de Ogle, Patricio de Paxtoun, Patricio Slegh, armigeris, et multis aliis.

25. CHARTER by GEORGE OF DUNBAR, EARL OF MARCH, to THOMAS SIBBALD, lord of Balgony, of the lands of Inverleven. 9th May 1396.

OMNIBUS hanc cartam visuris vel audituris, Georgius de Dunbar comes Marchie dominus wallis Annandie et Mannie, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto nostro domino Thome Sybald domino de Balgovyny, pro seruicio suo nobis inpenso, totas terras de Enerlewyn cum pertinenciis, in comitatu de Fyffe iacentes: Quas terras quondam Thomas de Enerlewyn de nobis tenuit, et quas idem Thomas, non vi nec metu ductus, nec errore lapsus, set mera et spontanea voluntate sua, nobis coram pluribus in castro nostro de Dunbar per fustum et baculum sursum reddidit pureque simpliciter resignauit: Tenendas et habendas predictas terras cum pertinenciis predicto domino Thome Sybald, heredibus suis et suis assignatis, in feodo et hereditate, de nobis et heredibus nostris; cum omnibus aliis commoditatibus, libertatibus, aysiamentis et iustis pertinenciis quibuscunque, tam subtus terram quam supra, prope et procul, in muris, marresiis, aucupacionibus, venacionibus et piscacionibus, cum molendinis et multuris et eorum sequelis, et cum omnibus aliis pertinenciis, tam non nominatis quam nominatis, ad dictas terras cum pertinenciis pertinentibus seu iuste pertinere valentibus in futurum, libere, quiete, honorifice, bene et in pace: Faciendo inde dictus dominus Thomas heredes sui et sui assignati annuatim nobis et heredibus nostris, in nomine cognicionis dominii nostri et in signum eorum subiectionis, tres sectas per annum ad tres curias nostras capitales apud locum qui vocatur Threpehynche, si legitime citetur: Et eciam faciendo inde dictus dominus Thomas, heredes sui et sui assignati, domino nostro Regi pro nobis et heredibus nostris seruicium pro predictis terris debitum et consuetum: Et nos vero predictus Georgius et heredes nostri predictas terras cum pertinenciis prefato domino Thome, heredibus suis et suis assignatis, contra omnes

homines et feminas, warantizabimus, acquietabimus et inperpetuum defendemus. In cuius rei testimonium sigillum nostrum presentibus est appensum, apud castrum nostrum de Dunbar, nono die mensis Maii anno Domini M^lo CCC^mo nonagesimo sexto; hiis testibus presentibus, Patricio de Dunbar fratre nostro, Roberto Mawtaland nepote nostro, Roberto de Lewyngstoun, Gylberto Heryng, militibus, Patricio Heryng, Alexandro Ryklyngtoun constabulario nostro, Alexandro de Home, armigeris, et multis aliis.

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26. Charter by Walter Traill, Bishop of St. Andrews, confirming the Earl of Fife's grant of Inverleven to Sir John of Wemyss. 16th October 1396.

Omnibus hanc cartam visuris vel audituris, Walterus miseracione diuina episcopus Sanctiandree, salutem in Domino sempiternam: Noueritis nos cartam magnifici et potentis domini, domini Roberti comitis de Fyff et de Meneteth, vidisse, legisse, inspexisse, et diligenter examinasse, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, ipsamque intellexisse ad plenum sub hac forma: Omnibus [*etc.*, *No.* 23, *supra*]: Quamquidem cartam, donacionemque et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus, et modis ac circumstanciis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia approbamus, ratificamus, et pro nobis ac successoribus nostris, vt premissum est, in perpetuum confirmamus, saluo seruicio nostro: In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum, apud Sanctumandream, decimo sexto die mensis Octobris, anno Domini millesimo trescentesimo nonagesimo sexto.

27. Retour of Margaret and Isabella Erskine as heirs of Sir Alan of Erskine, their father, in the lands of Wemyss, etc. 26th May 1400.

Inquisicio facta apud Carale coram vicecomite de Fyfe, vicesimo vi die mensis Maii anno Domini millesimo quadringentesimo, per iuratos subscriptos, videlicet, per Johannem de Balcolmy, Jacobum de Malevyle, Johannem de Abbyrcrumby, Andream de Annystruthyre, Willelmum de Myretoun, Dauid de Lyndesay, Willelmum de Lochtoun, Johannem de Gulyne, Johannem Archebald, Alexandrum de Myretoun, Johannem de Lassallis, Johannem Murdaci, Johannem de Kyldonqwhane, Thomam de Burnete et Henricum de Holburne: Qui iurati dicunt quod quondam Alanus de Erskyne miles, pater, et quondam Isabella de Inchemartyne, mater Margarete et Isabelle sororum, latricum presencium, obierunt vestiti et sasyti ut de feodo, ad pacem et fidem domini nostri Regis de dominio terrarum de Wemys cum pertinenciis, et de terris de Petconochqwhy cum pertinenciis, infra vicecomitatum de Fyfe; et quod dicta Margareta et Isabella sunt legittime et propinquiores heredes dictorum quondam Alani et Isabelle, patris et matris sue; et quod sunt legittime etatis; et quod dicte terre de Wemys cum pertinenciis valent per annum xlvj lb. xiij s. iiij d.; et quod valuerunt tempore pacis xl lb.; et quod tenentur de duce Albanie per wardam et releuium et communem sectam ad curiam suam; et quod dicte terre de Petconnochqwhy cum pertinenciis valent per annum x marcas; et quod valuerunt tempore pacis centum solidos; et quod tenentur de domino nostro Rege in baroniam per wardam et releuium et communem sectam ad curiam suam; et quod dicte terre de Wemys et de Petconnochqwhy cum pertinenciis sunt in manibus dominorum superiorum antedictorum per mortem dicti quondam domini Alani militis, recognite per vicecomitem et seriandos causa warde per spacium quatuor uel quinque dierum. In cuius rei

Y[ou]r and ſuche hys coyſe wyll
wyllyng of ſuery clerk of
or all[ia]ge & cu[m]yng/ to
ye ſtand Gudly and kepe
hi to ſay/ yat ye ſhal ſ[er]ue
of to ꝑſent ſyrcumſ and
kep of ſuch thyng chaunge
[m]ſand ſhoue of Cu[m]ys
wyſ my grayuand ryme
Dreamyng of ony kenyg
and diſpaire of ye ſaid
kenyg[ht] equally to ye to
ꝑſeu ye my ſyke and
gnes of yis deſyn[ac]ō
y

Yis is ye accordaūce betwix ſ̄ Jone of Grey & Jame his wyfe on ye tone ptie and ſ̄ Jone of Clenys and ſ̄ Isabell his wyfe on ye toy ꝑt made thrich yis ꝑſ̄me, yat is to ſay, ꝑ ſ̄ Jone of Grey knyght lord of Ruthyn and of Codnor, Powys and Chirkland and of Bromfeld and Yale, Lyerdale and Kidwelly and of Ogmore and Gower, Lord of Hastyngs and of Hungry Hatt of Ogmilly and Wilcumbe of Feruers Seuery to behold and obserue ebenly for both ye ꝑtes ester yere knallage & tenure yng to ye ordinaūce of Wellsam and Derbyndwer both ye ſaide ꝑtes yer sublimate obligt & seuery til stand Godly and kepe bur ony trewetenes / ye yerbie ſ̄ms ꝑſ̄ms abisshly grondly deſyrde in yis maner yat is to ſay, yat ye ſaid ſ̄ Jone of Clenys ſal gyf to ye ſaid ſ̄ Jone of Grey knyght of accordy of ye lawe of Wales ester to ꝑſ̄me ſtywardſ and kepar of Kaſtell of Ruthyn to answer and defend al ye landes yat Jeneyns Clenys ye ſaid ſ̄ Jone of Grey thrich chaūge made betwix yaid of Grame landes ſaid ye ſaid ſ̄ Jone of Grey ſal gyf ester to ye ſaid ſ̄ Jone of Clenys in ye lyke maner ordeyn yat betwix ye ſaide ꝑtes ſal Clame Gehin to get ye ſaid kepar in mayntand ye Land gyf ye chalenge yat ony of ye ſaid ꝑtes Custume tenſale of ſtruthe in defaute of getting of ony kepar at myſtip ꝑ ye ony ꝑtie Clayme in ye tyme ye yt as ſuſteyns ye tenſale or ſtruthe in defaute of ye ſaid kepar ſal haf fredome to diſtreyne for als mekil tenſale and ſtruthe as he makſ kepar agenſt to ye toy ꝑt in defaute of getting of ye ſaid kep and ſeua yat ilke ꝑt ſal haf fredome to diſtreyne in ye lyke maner ony of ye ꝑtes fealty Cheſ̄ms aſſyſes tol Gehin bur ony diſtreyning ſyn ye Clenes of yis delyndwer ye Grete of ye ſaid Alep Clar and Cheſtrame haſ put yaire Grete to yair ſeles

testimonium sigilla quorundam qui in dicta inquisicione interfuerunt facienda presentibus sunt appensa, sigillo vicecomitis incluso; data, die, loco, et anno supradictis.

28. INDENTURE between SIR JOHN OF GLEN and MARGARET his wife, and SIR JOHN OF WEMYSS and ISABEL his wife, regarding exchange of lands. *Circa* 1400.

THIS is the accordaunce betwix Schir Jone of Glen and Margret his wyfe, on the ta part, and Schir Jone of Wemys and Isabel his wyfe, on the tothir part, made thrw thir persounis; that is to say, Schir Williame of Dalyhel, knycht, Alexander of Ogilvy, schirraf of Angus, Wat of Ogilvy, and Williame of Fentoun, sworn to delyuer and ordane evinly for bath the partis eftir thair knawlage and cunnyng to the ordinance of qwham and delyuerance, bath the saide partis ar submittit, oblyst, and sworn til stand, vndirly, and kepe, but ony reuocacioun. The qwilke foure persounis avisitly concordit delyuerit in this maner; that is to say, that the said Schir Jone of Wemys sal gif to the said Schir Jone of Glen lettris of attornay of the kingis chapel, lettris to present suytouris, and lettris of balyhery, to ansuere and defend al the landis that remaynis with the said Schir Jone of Glen, thrw change made betwix thaim of certane landis; and the said Schir Jone of Glen sal gif sic lettris to the said Schir Jone of Wemys, in the lyke maner, swa that bathe the saide partis sal warne vther to get the said lettris in gaynand tyme. And gif it hapnis that ony of the said partis sustene tynsale or scathe in defaute of getting of ony lettris at mystris of the tothir parte warnit in do tyme, the part as sustenys the tynsale or scathe in defaute of the said lettris sal haf fredome to distreyne for als mekil tynsale and scathe as he makis kennyt opinly to the tothir part in defaute of getting of the said lettris; and swa that ilke part sal haf fredome to distreyne in the lyke

maner, gif ony of the partis favty wil nocht assythe til vthir but ony distreynyng. In the witnes of this delyuerance, the selis of the said Alexander, Wat, and Williame, haf put thair selis to thir present lettris.

29. INSTRUMENT relative to the refusal of the DUKE OF ALBANY, EARL OF FIFE AND MENTEITH, to give sasine of certain lands to MARGARET, wife of John Glen, and ISABELLA, wife of John Wemyss. 6th June 1400.

IN nomine Domini amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod, anno a natiuitate eiusdem M^mo^ cccc^mo^, indiccione octaua, ac die sexta mensis Junii, pontificatus sanctissimi in Christo patris ac domini nostri, domini Benedicti diuina prouidentia Pape XIIII. anno vi^to^, in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, dominus Johannes de Glen, dominus de Balmultow, attornatus, ut apparuit, domine Margarete, vxoris sue, et domine Isabelle, vxoris domini Johannis de Wemys, domini de Reress, quandam literam saysine, ut apparuit, sigillo Domini nostri Regis sigillatam, a cancellario missam, domino Duci Albanie, comiti de Fyff et de Menteth, presentauit, ut idem dominus dux traderet seu faceret tradi saysinam de quibusdam terris contentis in prefata litera saysine prefate Margarete et Isabelle, seu attornatis et attornato earundem: qua litera per prefatum dominum ducem plenius intellecta, et post multa interlocutoria et altercaciones ex vtraque parte hinc inde propositis, prefatus dominus Johannes de Glen, attornatus prefate Margarete et Isabelle, peciit a prefato domino duce saysinam sibi tradi, uirtute eiusdem litere a cancellario misse, uel saltem eandem literam peciit indo[r]satam sibi dari, cum instancia: Quiquidem Dominus tam saysinam, uirtute illius litere, quam eciam prefatam literam indo[r]satam eidem domino Johanni dare denegauit; de qua

denegatione, causa preiudicii eisdem Margarete et Isabelle generaturi, prefatus dominus Johannes de Glen peciit a me, notario publico, sibi fieri publicum instrumentum: Acta fuerunt hec, apud Lynlithqw, anno, mense, die, indiccione, et pontificatu prenotatis; presentibus, nobilibus viris, domino Ricardo Cumyne, domino Johanne de Erskyne, Roberto Murgref, Ricardo de Lathis, et aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Twy, clericus Sanctiandree diocesis, publicus auctoritate apostolica notarius [*etc., in forma communi*].

30. Instrument of Declinature on the part of the Duke of Albany, to give Sasine of the Lands of Wemyss to Sir John of Wemyss, as attorney for his wife, Isabella, and for Margaret, wife of Sir John of Glen. 17th June 1400.

In nomine Domini amen. Per presens publicum instrumentum cunctis pateat euidenter quod, anno a natiuitate eiusdem m^mo^ cccc^mo^, indiccione octaua, ac die xvii^ma^ mensis Junii, pontificatus sanctissimi in Christo patris ac domini nostri, domini Benedicti diuina prouidencia Pape xiii^mi^ anno septimo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus dominus Johannes de Wemys, dominus de Rerres, verus et legittimus actornatus, per literas de capella domini regis, debitam et consuetam formam continentes et effectum, dominarum Mergarete, sponse domini Johannis de Glen, domini eiusdem, et Isabelle, sponse dicti domini Johannis de Wemys, quandam literam sasyne de capella domini nostri regis emanantem, continentem secundam formam que dicitur Meminimus, nobili et potenti domino, domino duci Albany, comiti de Fyff et de Menteth, presentauit, pro sasyna optinenda prefatis dominabus, vel earum actornato, prout in prenominata litera sasyne continebatur, de terris de

Wemys: Quamquidem literam prefatus dominus dux et comes perlegi fecit, et eam, ut asseruit, plenius intellexit. Post cuius litere lecturam et intelleccionem, dictus actornatus, et actornatorio nomine, et nomine dictarum dominarum, peciit cum instancia a dicto domino duce et comite de dictis terris, cum pertinenciis, uirtute dicte litere sasyne, legittimam sasynam sibi reddi. Quibus vero petitis, dictus dominus dux et comes, fatendo se super hoc plene et mature auisatum, respondebat quod prefato domino Johanni sasynam dictarum terrarum noluit dare nomine dictarum dominarum, nec eisdem dominabus, nec alicui alii nomine ipsarum, racione dicte litere. Et hoc habito responso, dictus dominus Johannes, actornatus, et nomine actornati, et nomine quo supra, peciit dictam sasynam prius petitam sibi dari, vel saltim dictam literam sibi tradi indorsatam quare de iure dictam sasynam noluit dare. Ad quod idem dominus dux et comes plane respondebat quod nec sasynam noluit dare, nec literam indorsatam iterato sibi reddere. Et tunc dictus dominus Johannes, actornatus, dixit quod dictus dominus dux et comes sibi et dictis dominabus fecit iniuriam, ut sibi videbatur, nolens dictam sasynam dare, nec literam indorsatam retradere. Cui idem dominus dux et comes prebuit responsum, quod nihil aliud vellet facere quam antea dixit: addendo quod forsitan idem dominus dux voluit dictam literam remittere indorsatam domino cancellario Scocie. Super quibus omnibus prefatus dominus Johannes de Wemys, actornatus, peciit a me notario publico sibi fieri super hoc publicum instrumentum. Acta fuerunt hec, apud Falkland, hora quasi xiii; presentibus, nobilibus viris, dominis Willelmo de Keth, mariscallo Scocie, Roberto de Keth, filio suo, Willelmo de Dyssyntoun, militibus, Willelmo de Fentoun, domino de Baky, Archibaldo de Cunyngame, et Thoma de Lyn, armigeris, et aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Twy, clericus Sanctiandree dyocesis, publicus auctoritate apostolica notarius [*etc., in forma communi*].

31. Protest by Sir John of Erskine, chancellor of Glasgow, against the legality of a court and assise held by the Duke of Albany. 18th June 1400.

In nomine Domini amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod, anno a natiuitate eiusdem M^mo^ cccc^mo^, indiccione octaua, ac die xviii mensis Junii, pontificatus sanctissmi in Christo patris ac domini nostri, domini Benedicti diuina prouidencia Pape xiii^mi^ anno septimo; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis et potens dominus, dominus dux Albanie, comes de Fyf et de Menteth, sedens apud montem qui vocatur Camehill de Cupro in Fyff, vbi fecit conuocare dominos Johannem de Wemys, dominum de Reress, et Johannem de Glen dominum eiusdem; quibus coram se comparentibus, nobilis vir, dominus Patricius de Grame, dominus de Kyncardyn, pro parte dicti domini ducis et comitis proponebat et dicebat, si prefati domini Johannes et Johannes de Wemys et de Glen aliqua munimenta, literas, uel instrumenta haberent monstranda, quare dominus Robertus de Levynston non erat tunc in possessione tercie partis terrarum de Wemys: Pro parte uero dominorum Johannis et Johannis de Wemys et de Glen dictorum, discretus vir, dominus Johannes de Erskyne, cancellarius Glasguensis, proponebat et isto modo respondebat quod, ad legittimum diem et locum, aliqua habebant ostendenda quod prefatus dominus Robertus non esset in possessione tercie partis terrarum de Wemys, set quia prefati domini Johannes et Johannes non erant legittime citati nec premuniti, nec eciam ibidem tunc non erat curia legittima, nullas euidencias penes hoc ostendebant, allegando quod, ad legittimum diem et curiam legittimam, habebant aliqua ostendenda. Hiis dictis, prefatus dominus Johannes de Glen extra curiam recessit, dicens se nichil ibidem habuisse agendum. Tandem prefatus dominus dux fecit assysam conuocari; qua vocata, dominus Johannes de Erskyne antedictus,

cancellarius Glasguensis, pro parte dictorum dominorum Johannis et Johannis de Wemys et de Glen, dicebat quod ex ibidem tunc non erat curia legittima nec partes premuniti, nec legittime citati, non deberent illo die aliquod iudicium tolerare; protestando quod nulla determinata nec per dictam assysam acta nullum generaret eis preiudicium, cum maior pars assyse precipue erat eis suspecta, ut asserebat, et quod nulla acta illo die preiudicium generaret sue feode et hereditatis, cum ibidem non esset curia, nec aliqua dies iuridica, set quod prefatus dominus dux de sua voluntate in dicta causa processit. Super quibus omnibus prefati domini Johannes et Johannes de Wemys et de Glen pecierunt a me notario publico eis fieri super hiis publicum instrumentum. Acta fuerunt hec post horam none, anno, mense, die, indiccione, et pontificatu prenotatis; presentibus nobilibus viris, dominis Thoma de Erskyne, domino eiusdem, Johanne de Swyntoun, domino eiusdem, Roberto de Erskyne, Johanne de Erskyne, Wnfrydo de Cunynghame, Willelmo de Dissyntoun, militibus, Johanne de Setoune, Johanne de Drummonde, Archebaldo de Cunynghame, armigeris, et aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Twy, clericus Sanctiandree diocesis, publicus autoritate apostolica notarius [*etc.*, *in forma communi*].

32. Retour of Margaret and Isabella, daughters of Dame Isabella of Inchmartin, as heirs to their mother in the lands of Achleven. 8th September 1401.

Inquisicio facta apud Inuerowry, coram Johanne de Roos, balliuo de Garvyach, octauo die mensis Septembris, anno Domini millesimo cccc primo, in qua fuerunt subscripti, videlicet, Johannes de Roos de Byris, Gilbertus M^c^Bethsoun, Dauid de Pantoun, Johannes de Narne, Robertus Burnard, Willelmus de Rothven, Willelmus de Futhes, Johannes de

Inquisicio facta apud Judeby coram Johanne de Roos baillivo de Galtrath octavo die mensis Septembris anno regni Regis Henrici sexti post conquestum Anglie tricesimo primo per sacramentum Johannis de Roos de Hamlak militis, Johannis de Rokeby, Willelmi de Rokeby, Willelmi de Stanhop, Johannis de Calverley de Calverley, Johannis de Rokeby de Sandhutton, Johannis de Thornton de Thornton, Johannis de Thornton de Kirkby Wiske, Johannis Best de Thornton, Johannis Norys et Hamelyn de Thorpe, qui dicunt magno sacramento suo quod Johannes Isabella de Fitzhenry nuper abbatissa de Esholt et Johanna de Sandall nuper priorissa de Kirkleyngton in comitatu Ebor' in ballivacione predicta, tempore pacis domini nunc Regis de hiis de Debtis infrascriptis, videlicet de Johanne Wandesforth de Wandesforth in comitatu predicto, armigero, de Johanne Wandesforth de Kirkleyngton predicta, armigero, de Johanne Wandesforth de Wandesforth predicta

Cravmond, Finlaus de Trovpe, Johannes de Rossevete, Patricius de Rossevete, Robertus de Bothirgask, Johannes Beset, Johannes Nory, et Hamelinus de Trovpe: Qui iurati dicunt magno interueniente sacramento, quod quondam domina Isabella de Inchemartyne obiit vestita et saysita, ut de feodo, ad pacem et fidem domini nostri regis, de terris de Achlevyne, cum pertinenciis, et de dimidia dauata terre, cum pertinenciis, de Ardovyne; et quod Margareta et Isabella, filie eiusdem domine Isabelle, sunt legitime et propinquiores heredes dicte domine Isabelle, matris sue, de eisdem terris de Achlevyne, cum pertinenciis, et de dimidia dauata predicta de Ardovyne, cum pertinenciis; et quod sunt legitime etatis; et quod dicte terre de Achlevyne valent hiis diebus octodecim marcas, et valuerunt tempore pacis viginti libras; et quod dicta dimidia dauata terre de Ardovyn valet per annum hiis diebus triginta solidos, et valebat tempore pacis quinque libras; et tenentur in capite de domino de Garvyacht dicte terre de Achlevyne per seruicium albe firme et tradicionem vnius denarii annuatim, si petatur; et dicta dimidia dauata terre de Ardovyn tenetur de domino predicto in capite per seruicium sexte partis vnius secte annuatim faciende ad tria placita capitalia, et sexte partis vnius hobillarii ad guerram, et per wardam et releuium, cum contigerit; et dicte terre de Ardovyn sunt in manibus domini Johannis de Wemys et domini Johannis de Glen, racione Margarete et Isabelle, sponsarum suarum, per tradicionem saysine domini de Garvyacht; et dicta dimidia dauata de Ardovyn est in manibus domini de Garvyacht, causa mortis domini Alani de Erskyne, qui dictam dimidiam dauatam terre habuit, racione curialitatis dicte domine Isabelle, quondam sponse sue, qui obiit per duos annos elapsos. Datum et clausum sub sigillo dicti balliui, et quorundam iuratorum qui in dicta inquisicione interfuerunt, anno, die, et loco supradictis.

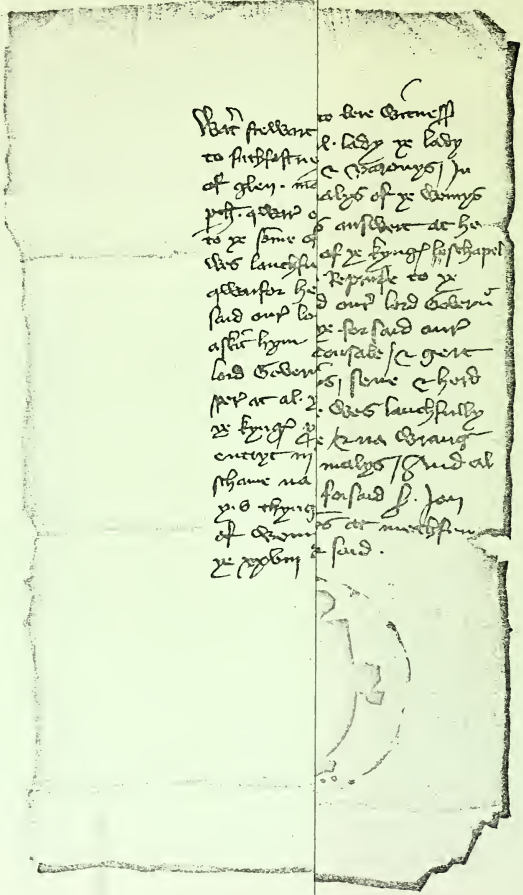
33. Protection by King Robert the Third to Sir John of Wemyss. 24th May 1402.

Robertus Dei gracia Rex Scotorum, dilecto fratri nostro, Alexandro comiti Buchanie, balliuo Atholie, salutem: Quia Johannes de Wemys, miles, de mandato nostro, se legi submisit, et super hoc nobis inuenit plegios sufficientes propter quod sibi ad plegium liberamus tam omnes terras suas quam omnes terras quas habet racione sponse sue vbicunque iacentes infra regnum nostrum; vobis igitur precipimus et mandamus ne contra formam legis communis dictum Johannem, dictas terras suas, uel homines suos, aut eorum bona, infra balliam vestram existentes, vexare, inquietare, seu perturbare presumatis, set ipsum Johannem dictis terris suis pacifice gaudere permittatis, sub pena omni que erga nostram regiam maiestatem amitti poterunt quoquomodo: et si alique firme uel aliqua bona leuata aut leuate fuerint de terris suis predictis per vos, uel aliquem nomine vestro, de terminis Sancti Martini in yeme et Pentecostes vltimo preteritis, illas firmas et bona predicta dicto militi et suis hominibus prompte faciatis restaurari, sub omni pena que sequi debeat in hac parte. Datum sub testimonio nostri magni sigilli apud Edynburgh, vicesimo quarto die mensis Maii, anno regni nostri tertio decimo.

Dorso: Protectio Johannis de Wemys: 1402.

34. Certificate by Walter Stewart, Earl of Athole and Caithness, regarding Sir John of Wemyss's infeftment in the lands of Wemyss. 28th July 1419.

Wa[l]ter Stewart, erle of Athale and of Ketness, til al men at there present lettres sal here or se, *saluz:* For it is meritable to bere witness to suthfastness, we at instance of a nobil man, Schir Jon of Wemys, lord of Rerese, and for the part of a nobil lady, the lady of Glen, makys knawyn that we sum tyme bygane warre present in a consale amang vthyr prelatys, erlys, and baronys in Perth, qware oure



Wher ſtellene—Olle of ſtrikile & of kenneſſ. rol al mery ar yeyl pur tres ſal here a ſe. Gulyz. ffin requeuerable to lire Grenneſſ
to ſtrikeſtreyſ. Se at inſtance of a. ſcotik. many ſ. Joy of Gamys. lord of Kerſſhop pe pur of a. nadel. lady pe lady
of gley. makys knallym. y de ſim yme by gane Gamys ſpur in a. Conſale. among Gthyr ſtirp Gthys & Gtranys ſu
pſh. ſtand ouyr lord Gobernzouk acuſte pe ſaid. ſ. Joy of Gamys. yer Grangthyll he hade kſſadyz pe makys of pe Gamys
to pe ſime of a. thouſand marke ju grete ſharp & ſhame of pe ſaid Gubernz / pe ſaid. ſ. Joy of Gamys anſſuere ar he
ſhis laughfully cuayre in yar land of Gamys of hys dayſ & pe ſaid lady of gley as behalf he dwe of pe kyngſ ſiſchapel
ofſaſer he demyit pe Grangthys kſſadyn of pe makys ſeraund ar he did quit ſtand ſhame na kepyſſe to pe
ſaid ouyr lord Gobernzouk bot he kſſadyz pe makys ſeſaz ſaid as he hade kyndſ to / ſtand yay pe forſaid ouyr lord Gober
aſſer hym. dyſt he ſuld ſtand to pe determinacy of pe landſ of pe Conſale / & he ſaid ſaid / & yay pe ſaid ouyr
lord Gobernzouk gave hym remede ouer of pe Conſale / & pe ſaid lord Gobernz. ſiet ſtill ju pe Conſale / & gave
ſyr at al pe landſ hys dyſ of ſaer yyme hauyt in yar dale pe ſaid lordſ ſtand Gthys & Gtranys ſtone & hord
pe kyngſ poſſ of hys chapell & Gthyr hys kſſadyz allegeance bedyſtandyn / & dempnyſt ar he Gues laughfully
entryt in pe ſaid landſ of pe Gamys of pe ſaid lady of gley & hys dyſt ag. behalf & name kene Grang
ſhame na ſkandyr hade done to pe ſaid ouyr lord Gobernzo ju pe kſſadyz of pe ſaid makys / ſaid al
y. thyng for de daer pur & hird & ſaid. Ol lete dyſtrenſſ Requeryt de inſtance of pe ſaid ſ. Joy
of Gamys. ju dyſtrauſſ of pe alderik kyngſ de Bak gare pur ouyr ſik to yed pur tres ar mukſſ
pe xxvjthy day of July pe yer of grace. M. ccc / c lxxj. Requeryt ju dyſtrenſſ as as before ſaid.

lord Governyoure accusit the said Schir Jon of Wemys that wrangwysly he hade ressavyt the malys of the Wemys to the somme of a thusand markys, in grete schath and schame of the said Guvernyour. The said Schir Jon of Wemys answert at he wes lauchfully entryt in that land of Wemys, of hys wyf and the said lady of Glenis behalf, be curs of the kyngis schapel: qwarfor he denyit the wrangwys ressavyn of the malys, saiand at he did nathyr schatht, schame, na reprufe to the said oure lord Governyoure, bot he ressavyt the malys befor said as he hade rycht to. And than the forsaid oure lord Governyour askit hym gyf he wald stand to the determinacioun of the lordys of the consale, and he said, yaa. And than the forsaid oure lord Governyoure gert hym remove oute of the consale, and the said lord Governyour sat still in the consale, and gert spere at al the lordys, syndry, qwat thayme thoucht in that case. The qwilk lordys, prelatys, erlys, and baronys, sene and herd the kyngys process of hys chapell, and vthyr hys resonys, instrumentis, and allegacionis vndyrstandyn, determynyt at he wes lauchfully entryt in the forsaid landys of the Wemys, of the said ledy of Glen and hys wyfis behalf and name, and na wrang, schame, na sklandyr hade done to the forsaid oure lord Governyour in the ressavyn of the forsaid malys. And al this thyng, for we war present and herd and saw, we bere wytness, requeryt wyth instance of the forsaid Schir Jon of Wemys. In wytness of the qwilk thyngis we hafe gert put oure selè to there present lettres, at Methfen, the xxviii day of July, the yere of grace i^{m}cccc and xix; requeryt in wytness as is befor said.

35. Charter by Murdach, Duke of Albany, Regent of Scotland, to David Wemyss, of the lands of Tullybreck and others. 23d October 1423.

Murdacus Dux Albanie, Comes de Fife et de Menteth, ac Gubernator regni Scocie, omnibus hanc cartam uisuris uel audituris, salutem in

Domino sempiternam: Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto nostro Dauid de Wemis, filio Johannis de Wemis de Rerase, militis, omnes et singulas terras de Tulibrek, de le Halch, de Inuerlevin et de Nethir Cambroun et molendinum eiusdem cum pertinenciis, infra vicecomitatum de Fife: Que quidem terre et molendinum cum pertinenciis fuerunt dicti Johannis de Wemis de Rerase, militis, hereditarie, et quas et quod dictus Johannes, non ui aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras, coram testibus subscriptis, per fustem et baculum personaliter sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis, habuit, seu habere poterit, pro se et heredibus suis, omnino quittum clamauit imperpetuum: Tenèndas et habendas omnes et singulas predictas terras et molendinum cum pertinenciis predicto Dauid et heredibus suis, de nobis et heredibus nostris, comitibus de Fife, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, uenacionibus et piscacionibus, cum curiis, eschaetis et curiarum exitibus, cum fabrilibus et bracinis, petariis, turbariis et carbonariis, ac cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis, ac iustis pertinenciis suis quibuscumque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad prefatas terras et molendinum cum pertinenciis spectantibus, seu quoquo modo iuste spectare ualentibus in futurum; adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Johannes de Rerase, miles, aut aliquis predecessorum suorum, dictas terras et molendinum cum pertinenciis, de nobis et predecessoribus nostris, comitibus de Fife, liberius tenuit aut possedit ante dictam resignacionem nobis inde factam: Reseruato tamen dicto Johanni de Wemis, pro toto tempore

uite sue, libero tenemento dictarum terrarum cum pertinenciis; et faciendo nobis et successoribus nostris, comitibus de Fife, dictus Dauid et heredes sui, de dictis terris et molendino cum pertinenciis seruicia debita et consueta. In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum, apud Inuerkethine, vicesimo tercio die mensis Octobris, anno Domini millesimo quadringentesimo vicesimo tercio, et gubernacionis nostre quarto; testibus, carissimo filio nostro, Alexandro Stewart de Kinclevin, Willelmo de Lindesai de Rossi, milite, Dauid Berclay, Dauid de Allyrdase, scutiferis nostris, et Alano de Ottirburne, secretario nostro, et aliis.

Seal appended: shield partly defaced, bearing, quarterly, 1 and 4 a lion rampant; 2 and 3 a fess chequé, with a label of five points in chief; crest, issuing from a wreath chequé on a close helmet with mantling, a boar's head and neck between two trees. Supporters, two lions sejant gardant, coué. Legend, "S. Murdaci Ducis Albanie et Comitis de ffyf et de Mentech."

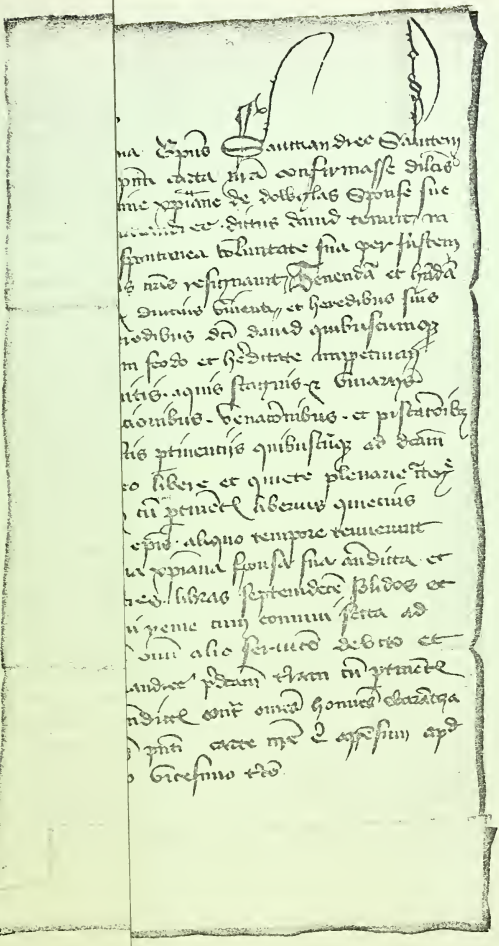
36. Obligation by David of Wemyss to Dame Christian of Douglas, his intended wife, regarding her terce. 1st February 1423-4.

Be it knawyn til al men be thir presentz lettrez, me Dauy of Wemys, the son of Schir Johne of Wemys, to be haldyn, ande in gude faith sikerly to be oblist til ane honorable woman, Dame Crystyane of Douglas, the wiffe of qwylom Schir Willyame of Douglas, the quhilk I think, God willande, to lede into wiffe, that gif yt hapnys me to disces, as God forbede, before that I hafe takyn state and saysing of my moderis landis, I sal gerre be made and giffyn to the said Dame Cristyane fourty pundis worth of lande, giffande yerly fourty pund, because of the thrydd of the said my modre landis, the quhylk suld pertene to the said Dame Cristyane: To the quhilkis fourty

pundis worth of lande, with the pertinence, to be giffyn and made yerly to the said Dame Cristyane, endurande hire liffe, in forme and effect as is before wrytyn, I obliss me, myne hairis, executouris, and my successouris, al oure landis, rentis, ande possessionis, and al owre gudis, mofeable and vnmofeable, quharsomeuer thai be fundyn, withowtyn leif of ony iugge of the kirk or seculare, at the will of the said Dame Cristyane ande hire assignais, to be distrenzit, away led, and sald, quhil to the said Dame Cristyane ore hire assignais of the saidis fourty pundis worth of lande, with the pertinence, with costis and skathis, giff scho ore thai ony makis ore sustenys in defaute of keping of thire condicyonis fullyly be made asith, nathing to be proponyt in the contrare agaynstandande. In wittnes of the quhilk thing, to thire letteris I hafe putt my sele, at the Wemys, the fyrst day of Februare, the yere of oure Lord a thousande four hundreth twenty and thre yere.

37. Charter by Henry Wardlaw, Bishop of St. Andrews, to David of Wemyss, of the lands of Methill. 4th February 1423-4.

Omnibus hanc cartam visuris uel audituris, Henricus miseracione diuina episcopus Sanctiandree, salutem in Domino sempiternam: Nouerit vniuersitas vestra nos dedisse, concessisse et hac presenti carta nostra confirmasse dilectis nostris, Dauid de Wemys, filio domini Johannis de Wemys, domini de Reress, et domine Christiane de Dowglas, sponse sue, totam terram nostram de Methkil, cum pertinenciis; quam de nobis et ecclesia nostra Sanctiandree dictus Dauid tenuit in capite, et quam idem Dauid, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, per fustem et baculum personaliter nobis sursum reddidit, ac pure et simpliciter, in presencia multorum, in manibus nostris resignauit:



Omnibus [illegible] visuris vel audituris Dominus Officialis curie sancti Andree Salutem
in domino sempiternam Noverit universitas vestra nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto
nostro Dauid de Ebenys filio Domini Johannis de Ebenys domini de Kelly et domine Egidie de Dolbethis Comitisse sue
totam terram nostram de Methil cum pertinentiis quam de nobis et ecclesia nostra Sancti Andree de Dirletis domo tenuit in
capite et quam idem Dauid non per aut nostris nec ullius heredum nostrorum sed mera et spontanea voluntate sua coram fidelibus
et baronibus nostris nobis sursum reddidit et simpliciter in pura viduitate in manibus nostris resignauit Tenendam et habendam
totam predictam terram cum pertinentiis predicto Dauid et Sponse sue antedicte et earum diuturne uiuenti et heredibus suis
inter ipsos legitime procreatis uel procreandis quibus forte decedentibus quibuscumque heredibus Dicti Dauid quibuscumque
de nobis et successoribus nostris Sancti Andree Epi et de ecclesia nostra Sancti Andree in feodo et hereditate imperpetuum
per omnes rectas metas suas et diuisas in bosco plano moris pratis viis semitis aquis stagnis et riuariis
molendinis multuris et eorum sequelis sabinis brasinis petariis carbonariis aucupationibus venationibus et piscariis
mensy anny omnibus et singulis libertatibus commoditatibus aysiamentis ac iustis pertinentiis quibuscunque ad dictam
terram spectantibus seu iuste spectare valentibus quomodolibet in futurum Adeo libere et quiete plenarie bene
et honorifice bene et in pace sicut Dauid uel antecessores sui quicquid dictam terram ad predictum liberius quietius
plenius integrius et honorificentius a nobis et predecessoribus nostris Sancti Andree Epis aliquo tempore tenuerunt
seu possiderunt tenuit seu possedit Reddendo inde dicti Dauid de Ebenys et domine sponsa sue anditta et
earum diuturne uiuens ac heredes supradicti nobis et successoribus nostris predictis tres libras sterlingorum pluribus et
octo denarios sterlingos monete currentis nomine canne ad festum Sancti Martini in yeme anny communi pretio ad
annuam reddituatis nre Sancti Andree anny eiusdem quocienscunque contigerit et tot sectis aliis seruitiis debitis et
consuetis que de tenentia predicta quouismodo nobis et successoribus nostris predictis debentur et consueuerunt
Dauid et sponse sponse sue anditte et earum diuturne uiuenti et heredibus anditte inter eosdem Hominia eiusdem
bimus acquietibus et imperpetuum defendemus In cuius rei testimonium Sigillum curie predicte nostre est appensum apud
Sanctum Andream quarto die mensis februarii Anno Domini millesimo quadringentesimo tricesimo tercio

Tenendam et habendam totam predictam terram cum pertinenciis, predictis Dauid et sponse sue antedicte, et eorum diucius viuenti, et heredibus suis inter ipsos legittime procreatis uel procreandis; quibus forte deficientibus, propinquioribus heredibus dicti Dauid quibuscumque, de nobis et successoribus nostris, Sanctiandree episcopis, et de ecclesia nostra Sanctiandree, in feodo et hereditate imperpetuum, per omnes rectas metas suas et diuisas, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis et viuariis, molendinis, multuris et eorum sequelis, fabrinis, brasinis, petariis, carbonariis, aucupacionibus, venacionibus et piscacionibus, necnon cum omnibus et singulis libertatibus, commoditatibus, aysiamentis ac iustis pertinenciis quibuscumque, ad dictam terram spectantibus, seu iuste spectare valentibus quomodolibet in futurum; adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, sicut dictus Dauid uel antecessores sui quicumque dictam terram cum pertinenciis, liberius, quiecius, plenius, integrius, et honorificencius, de nobis et predecessoribus nostris, Sanctiandree episcopis, aliquo tempore tenuerunt seu possederunt, tenuit seu possedit: Reddendo inde dicti Dauid de Wemys, et domina Christiana, sponsa sua antedicta, et eorum diucius viuens, ac heredes supradicti, nobis et successoribus nostris predictis, tres libras septemdecem solidos et octo denarios vsualis monete Scocie, nomine cane, ad festum Sancti Martini in yeme, cum com[m]uni secta ad curiam regalitatis nostre Sanctiandree, cum warda quociens contigerit, et cum omni alio seruicio debito et consueto: Nos vero Henricus, episcopus antedictus, pro nobis et successoribus nostris, episcopis Sanctiandree, predictam terram cum pertinenciis predictis Dauid et Christiane, sponse sue antedicte, et eorum diucius viuenti, et heredibus antedictis, contra omnes homines warantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium, sigillum nostrum presenti carte nostre est appensum, apud Sanctumandream, quarto die mensis Februarii, anno Domini millesimo quadringentesimo vicesimo tercio.

38. Sasine in favour of David of Wemyss and his spouse, Christian of Douglas, of the lands of Methill. 6th February 1423-4.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab incarnacione eiusdem millesimo quadringentesimo vicesimo tercio, secundum cursum ecclesie Scoticane, indiccione secunda, ac mensis Februarii die sexta, pontificatus sanctissimi in Christo patris ac domini nostri, domini Martini diuina prouidencia Pape quinti anno septimo, in mei notarii publici et testium subscriptorum presencia personaliter constituti nobilis vir, Dauid de Wemys, filius domini Johannis de Wemys, domini eiusdem, et Stephanus de Dodynstoun, dominus de Sandfurde, attornatus reverende domine, domine Cristiane de Dowglass, sponse dicti Dauit, supplicauerunt cum effectu, vt de donacione sasine terrarum dominii de Methkyl infra regalitatem Sanctiandree fideliter testificarem sine fraude vel fauore: Et quia justa petentibus non sit denegandum, eciam considerans eorum requestum fore iustum et racioni consonum, suis precibus inclinaui: Cuius forma talis erat; videlicet, Walterus Brouñ, marus venerabilis in Christo patris ac domini, domini Henrici, miseratione diuina episcopi Sanctiandree, ac domini superioris eiusdem terre de Methkyl, comparuit in presencia testium subscriptorum, et dictus Dauid et Stephanus attornatus vt supra presentabant predicto maro vnum breve in communi forma capelle venerabilis patris antedicti: Quo lecto, dictus marus prebuit sasinam hereditariam predicto Dauid et attornato supradicto nomine predicte domine, et eorum longiori viuenti, secundum tenorem carte eiusdem terre. Super quibus omnibus et singulis, ut premittitur, predicti Dauit et Stephanus supradicto sibi fieri pecierunt hoc presens publicum instrumentum: Acta fuerunt hec, apud Methkyll, in terrethorio eiusdem, hora decima ante prandium, vel eo circa, anno, indiccione, die, mense, pontificatu quibus supra; presentibus ibidem, nobilibus viris et honestis,

Andrea de Wemys, filio domini Johannis de Wemis, domini eiusdem, Alexandro de Wemys, Henrico de Balfour, Duncano Archebald, Sthephano Laurencii, et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Hecht, capellanus Sanctiandree dyocesis, publicus auctoritate imperiali notarius, in donacione predicte sasine presens interfui; eaque sic fieri vidi et audiui, scripsi, et in hanc publicam formam redegi; ac signo meo solito et consueto signaui, rogatus et requisitus per predictos Dauid et Stephanum, actornatum legitimum in causa antedicta, in testimonium veritatis omnium premissorum.

39. Protest against the infeftment of Robert of Livingstone in the Manor of Wemyss. 12th October 1425.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab incarnacione eiusdem millesimo quadringentesimo vicesimo quinto, duodecimo die mensis Octobris, indiccione quarta, pontificatus sanctissimi in Christo patris ac domini nostri domini Martini, diuina prouidencia pape quinti, anno octauo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus Johannes Skyrlyn, armiger, attornatus venerabilis domine, domine Margarete de Glen, domine de Inchemartyn, comparuit in manereo de Wemys, infra vicecomitatum de Fyffe, ad ostium aule eiusdem manerii, vna cum publico notario et testibus subscriptis, cum litera attornati capelle regie in [se] continente quando Robertus de Leuynstoun fuit sasitus per Johannem de Lummysden, vicecomitem de Fyffe; et litera attornati lecta per me notarium subscriptum, dictus Johannes, attornatus quo supra, accessit ad ostium aule quo supra, vbi predictus Robertus fuit sasitus, offerens se dictam sasinam diru[m]pere, secundum formam juris, et eciam revocare; et predictus

Robertus dixit, viua voce, quod non haberet ingressum in aula antedicta; et predictus Johannes dicebat quod propter verba non amitteret, et sic exibat ad ostium predictum, et predictus Robertus eum forti manu repellebat et retroposuit; et dictus Johannes de dicta perturbacione et repulsione a Johanne Lummysden, vicecomite de Fyffe, Alexandro Gurlay, et Johanne Strang de Pethcorthy, peciit testificari; et intervallo, dirupit sasinam predictam, ad ostium aule supradicte, in manereo antedicto. Super quibus omnibus et singulis dictus Johannes peciit a me notario subscripto sibi fieri publicum instrumentum. Acta fuerunt hec, apud Wemys, in manereo eiusdem, anno, die, mense, indiccione, pontificatu quibus supra; hiis testibus in dirupcione sasine, videlicet, Alexandro Malvyn, filio et herede Necholaii Malvyn, Alexandro de Wemys, domino Johanne Alani, et multis aliis ad premissa vocatis specialiter et rogatis.

Et ego Thomas Hech, capellanus Sanctiandree dyocesis, publicus auctoritate imperiali notarius ad dictas expulsionem et perturbacionem et dirupcionem sasine presens interfui, vna cum prenominatis testibus [*etc.*].

40. Indenture between Sir John Wemyss of that Ilk and John Melville of Raith, relative to the water privilege of the mill of Pitconmark. 12th June 1427.

This Indenture, made at Dysert, the xii day of the moneth of June, the yere of grace, i^{m}ccc^{mo} twenty ande sewyn yhere, betwix nobill men, that is to say, Schire Johne of the Wemys ande Dauid his sone apone the ta part, ande Johne Malvyle, Lorde of the Rath, on the tothire part, proportis, contenys ande beris witnes, that it is acordyt betwix the said partis in forme ande manere eftyr folowande; that is to say, that the said Schire Johne, with consent ande assent of the said Dauid his sone, has gewyn and grantyt till the said Jone Malvyle full leue and

and selby yeryd Derlby nobill

Wyllm fitz malbyne lorde of ye Rath on ye
Kyng made maner of fryr fyllebande yatt
torbyn and gyffyn till ye said Johne malbyns
as to ye fourthest affery for ye myddyll demande
full lewfull ye lordschype of ye Rath raffyn ye
my and ye said lade for ye lech of lochgylly
schyre and
dispende and Ophalde and ye thar endoyt
sea mat
apoyd yd yis fredome to kepe holy and treuly
done of yr brebyn yt formemyt yerf yat ye
ayrbyn yt ylonyfton and golyfilde sal for yis
said ye yis corn sa emp be zaydin Wyllm and
fredome ye malbyne or yrs ayrys to be my
ye said Johne grandf and poynomentf
ye hospitalyte cburcbouryn Fraude or pyle
kelyst r
redullyng to ye pt remanande cburch
ye said Johne remanande cburch ye said Johne
malbyne plane before dewyne

This Indenture made at Dysert the xxvj day of the Month of June the 32nd of the Reign of King Henry the Eighth between Sir John Cheevers of Cheevers Castle in the County of Kildare Knight and David his Son and Heir apparent of the one Part and John Mulryan Lord of Ballykeale in the King's County of the other Part Witnesseth that it is agreed between the said Parties aforesaid and mutually covenanted and concluded that the said Sir John Cheevers Knight and David his Son and Heir apparent for them and their Heirs and every of them by their Deed Indented sealed with their Seals and delivered to the said John Mulryan have granted and to Farm let and by these Presents do grant and to Farm let unto the said John Mulryan his Heirs and Assigns all that the Castle Town and Lands of Dysert with the Appurtenances in the County of Kildare aforesaid To have and to hold the said Castle Town and Lands of Dysert with the Appurtenances unto the said John Mulryan his Heirs and Assigns from the Feast of the Annunciation of our Blessed Lady the Virgin Mary next ensuing the Date hereof unto the full End and Term of Seven Years from thence next following and fully to be complete and ended Yielding and paying therefore yearly during the said Term unto the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns the Rent of Twenty Pounds of lawful English Money at the Feast of the Annunciation of our Blessed Lady the Virgin Mary and Michaelmas the Archangel by even and equal Portions And the said John Mulryan for himself his Heirs Executors and Assigns doth covenant promise and grant to and with the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns by these Presents that he the said John Mulryan his Heirs Executors and Assigns shall and will yearly during the said Term well and truly pay or cause to be paid unto the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns the said Rent of Twenty Pounds of lawful English Money at the Feast of the Annunciation of our Blessed Lady the Virgin Mary and Michaelmas the Archangel by even and equal Portions without any Deduction Defalcation or Abatement for any Cause or Matter whatsoever And the said John Mulryan for himself his Heirs Executors and Assigns doth covenant promise and grant to and with the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns by these Presents that he the said John Mulryan his Heirs Executors and Assigns shall and will yearly during the said Term well and truly repair support uphold and maintain the said Castle Town and Lands of Dysert with the Appurtenances and every Part and Parcel thereof with all manner of Reparations Edifices Buildings Fences Ditches Hedges Gates Stiles Posts Rails Bridges Causeways Walls Trees Underwoods and Timber Trees Timber and Wood whatsoever when and as often as need shall require and the same so repaired supported upholden and maintained at the End or other sooner Determination of the said Term shall and will leave unto the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns in as good Plight Repair and Condition as the same now are or shall be at the Time of the Delivery of Possession thereof by virtue of these Presents reasonable Wear and Tear and Casualty by Fire only excepted And the said Sir John Cheevers Knight and David his Son and Heir apparent for themselves their Heirs and Assigns and every of them do covenant promise and grant to and with the said John Mulryan his Heirs Executors and Assigns by these Presents that he the said John Mulryan his Heirs Executors and Assigns shall and may peaceably and quietly have hold occupy possess and enjoy the said Castle Town and Lands of Dysert with the Appurtenances during the said Term without any Let Suit Trouble Molestation Eviction or Disturbance of the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns or any other Person or Persons whatsoever lawfully claiming or to claim by from or under them or any of them And the said John Mulryan for himself his Heirs Executors and Assigns doth covenant promise and grant to and with the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns by these Presents that he the said John Mulryan his Heirs Executors and Assigns shall and will yearly during the said Term well and truly pay or cause to be paid unto the said Sir John Cheevers Knight and David his Son and Heir apparent their Heirs and Assigns the Sum

fredome for to make a myllyn dame, gud and sufficiande, but fraude or gyle, qhuare it best afferis for the myllyn demmande, in ande on the landis of the said Schire Jone of Wemys of Glenystoun, Rath, and of Polgulde, within the lordeschipe of the Westir Rath in the schiraf-dome of Fyffe, he the said Johne Malvyle and his ayris hafand fre vsche of watyr and sufficiand lade fra the Loch of Lochgelly, descendand throw the landis of the said Schire Jone to the myllin of the said Johne Malvyle made in his avne landis of Petconmarke, swa that it salbe leyffull to the said Jone Malvyle and his ayris, the said myllin dam to make ande vphalde, ande the watyr encloys, apone the erde of the said Schire Jone of Wemys, and the lade to draw tharfra, foroutyn ony impedyment or distrowblans of the said Schir Jone of Wemys or his ayris of the said landis, qhuat sa euir tha be, or of ony in thaire name: and this fredome to kepe lely ande treuly, aythire of the partis has gewin gude faith for thaim and thair ayris qhuat sum euire. Alswa it is acordit betwix the fornemmyt partis that the said Schire Jone of Wemys and his ayris and his inhabitaris and men duelland in the Westir Rath, Glenystoun, ande Polgulde, sal for this fredome be multeryt at the said myllyn to the xxiiii fat; and thai sal be next in the hoppyr qhways corn sa euire be thare in, saffand the said Jone Malvyle and his ayris to thaire propire oyse. Ande gyff it happyn the corn of the said Johne Malvyle or hys ayris to be in the hoppyr, the corn of the sayd Schire Jone his ayris and mennys salbe next; and that thire condicionys, con-nandis ande poyntmentis, lely and treuly, salbe kepyt for thaim ande thaire ayris qhuat sum euire, aythire the partys are oblyste withoutyn fraude or gyle, cauillacioun, excepcioun, or desayt in ony manere. In the witnes of the qhwylke thyng to the part remanande with Schire Jone of the Wemys, the forsayd Johne Malvyle has put to his seyle, and to the part remanande with the sayde Johane Malvyle the forsaid Schire Jone ande Davy his sone has sett to thair seillis, the day, yere and place beforwryttyne.

41. INDENTURE for the marriage of WILLIAM OF LIVINGSTONE and EUFAME OF WEMYSS. 19th November 1428.

THIS Indenture, made at the Wemis, the nyntene day of the moneth of Nouember, the yere off oure Lorde a thousande foure hundreth twenty and viii yere, betwene nobill men and worthy, Robert of Levynstoun, lorde of Drumry, on the ta part, and Dauid of the Wemis, lorde of Methkill, on the tother part, proportis, contenis, and beris wytnes that the said partis ar acordit in maner and forme eftir folowande; that is to say, for to sese discorde and stryfe that has bene of befor amangis the said partis and thaire frendis, and for vnite and concorde to be kepit amang thaim, and contynuyt in tyme to cum, it is acordit at Wilyame of Levynstoun, the son and the aire of the said Robert, sal hafe Eufame of the Wemis, the dochter of the said Dauid, in lachfull matrimonye, til his spousit wyfe; and alsua John of the Wemys, the son and the aire of the said Dauid, sal hafe Isabell of Levyngstoun, the dochter of the said Robert in lachfull matrimonye, til his spousit wyfe; and the part that is the better sal hafe amendment of the tother part; and gyf it may be kende that the said partis ar evynly in rentis and possessionis, it sall be considerit thair eftir; and gyf it hapnis the said Wilyame, John, Isabell, or Eufame, ane or all, to dissese befor at the said mariage be made, as God forbede, mariage sal be fulfillit of bath the partis wyth the next sic lyke: and gyf it hapnis the said Wilyame to mary the said Eufame, the said John nocht mariande the said Isabell, the said Dauid or his airis sal pay til the said Robert, or his airis, foure hundreth mark of vsuale moneth of Scotlande; and againwart, gyf it hapnis the said John to mary the said Isabell, the said Wilyame nocht maryande the said Eufame, the said Robert, or his airis, sall pay to the said Dauid, or his airis, foure hundreth mark of vsuale moneth of Scotlande: Alsua, it is acordit betwene the said Robert and Dauid til kepe frendschip and kyndnes, ilkane till other, endoyrande

and continuande, as all thire condicionis and appoyntmentis befor wyrtyn war halely fulfillitt in deide. And at all thire condicionis and poyntis befor wyrtyn sall lely and treuly be fulfillit and kepit, but fraude or gyle, ayther part is oblyst, be the fayth in his body. In wytnes of the quhilkis, the seelis of the said Robert and Dauid to thire indenturis, enterchangeabilly, ar to hungyn, the day, yere, and place befor wirtyn.

42. INDENTURE between ROBERT OF LIVINGSTONE, lord of Drumry, and DAVID OF THE WEMYSS, lord of Methill, respecting the lands of the Wemyss. 19th November 1428.

THIS indenture, made at the Wemis, the nyntene day of the moneth of Nouember, the yhere off oure Lorde a thousande foure hundreth twenty and aucht yhere, betwene nobill and worthy men, Robert of Levyngstoun, lorde of Drumry, on the ta part, and Dauid of the Wemis, lord of Methkill, on the tothir part, proportis, contenis, and beris wytnes that the said partis ar acordit in maner and furme eftir wyrtyn; that is for to say, that the said Robert sall hafe all the landis of the Wemis-schire, wyth the pertinence, fra the Dene Burne of the Kirkwemis este, in fee and heritage till hym and till his airis, saufande at the said Dauid and his airis sall hafe fre vsche and entre, and full fredome of the said Robert and his airis in the said landis, to wyn and ger laboure, and away hafe til his awne propire oyse, turfe, pete, and hathir, quarale, and fyschyne, quharsumeuir thai may be fundyn wythin the said landis, vtouth the chemyse: and the said Dauid sall hafe all the landis of the Wemis-schire, wyth the pertinence, fra the said Dene Burne west, in fee and heritage till hym and till his airis; in the quhilk landis, fra the burne west, the said Robert and his airis sal hafe fre vsche and entre, and full fredome of the said Dauid and his airis to wyn and ger laboure, and til away hafe till his awne

propire oyse, turfe, pete, and hathir, quarale, and fyschyne, quharsumeuir thai may be fundyn wythin the said landis, vtouth his chemyse. Alswa the said Robert and his airis sall hafe of the said Dauid and his airis fre vsche and entre, and full fredome till away hafe treis of the wod of the Wemis til his awne propire oyse, and to the oyse of the bygynge of the induellaris wythin the said lordschip, als lange as ony treis ar growande wythin the said wod. Alsua it is acordyt betwene the said Robert and Dauid that aithire of thaim sall hafe thaire chemyse fre, sauffande at the said Robert has gyffyn and grauntyt, of his fre will, to the said Dauid and till his airis cole and quarale wythin his said chemyse, wyth suylk lyke profyte as hym selfe has in the forsaid cole and quarale, als lange and quhat tyme that ony ar labowrid or wonyn be the said Robert or his airis in the said chemyse: and againwart, the said Dauid has gyffyn and grawntyt, of his fre will, to the said Robert and til his airis cole and quarale wythin his chemyse, wyth swilk lyke profyte as hym selfe has in the forsaid cole and quarale, als lange and quhat tyme that ony ar labowrid or wonyn be the said Dauid or his airis wythin the said chemyse. Alsua it is acordit betwene the said partis that all cole and salt fundyn or to be fundyn, and labowrid or to be labowrid, wythin the said lordschip, quharsumeuir it be, vtouth thaire chemyse, sall be elyke fre to thaim bath and to thaire airis, and all the profitis thairof betwene thaim evynly to be divydit but fraude or gile or ony excepcioun till ony part, that is to say, the said Robert and his airis the thirdpart, and the said Dauid and his airis the twapart. Alsua it is acordit that gyf the said Robert or Dauid lykis to ger mak or laboure a saltpan of thaire awne in ony of thire partis forsaid, ilkane of thaim of othir sal hafe full fredome; the said Robert and his airis doande to the said Dauid and his airis als mekil as pertenis to the twapart of the said pan; and in the lyke case the said Dauid and his airis sall do til the said Robert and his airis als mekill as pertenis to the thirdpart of the said pan:

Be it kende to all
pat [illegible] Robert of [illegible] hath and aught [illegible] ner
[illegible] pe [illegible] pat is to say, pat [illegible] to
[illegible] Robert [illegible] any tyme to god pe [illegible] pe [illegible] pe
[illegible] of pe birthe of pe [illegible] of pe [illegible] pe [illegible]
pe halo [illegible] [illegible] [illegible]
[illegible] of pe [illegible] pe [illegible] of pe [illegible]

Be it kende to all me þese present lettis yat I wyttemd day of ye moneth of monþ ye yere of our lorde a þousand fyue hundr[ed] lxxx and eight yerys acor
ding to ye computacion of holy churche of Inglond I Robert Bolton of Blymstow lorde of Dudley on ye one ptye & dauid of ye Bromys lorde of mytchil on ye oþ[er] ptye am wele & stedd[ely] yat is to say yat I ye
sayd Robt ye cuerchaunge to selle & delyu[er] vnto ye sayd dauid & his ayr[es] & assignes of ye landys of ye Bromys in any tyme to come yat is to say
sayd Robt & his ayr[es] & assignes yat sayd dauid in any maner[s] of ye sayd Bromys & his ayr[es] & assignes ayen all & euery ye sayd landys
Bromys of ye kyrkelcumbe & ye grounde & ye sayd dauid & his ayr[es] & assignes ayen all & euery ye sayd landys Bromys of ye kyrkelcumbe
ye sayde Robert promitte & ye sayd dauid & his ayr[es] & assignes ayen all & euery ye sayd landys Bromys of ye kyrkelcumbe
ye sayde Robert promitte & ye sayd dauid whyle ye sayd Robt hath yat all hys sayde & all frauncs & tytlis euery yat ye Bromys of ye englisshe
yerde of ye sayd Robt & his ayr[es] & assignes to hondyr[ed] ye day & yere before wryttyn

and al the lave of the salt panis, cole, and havynis to be set to the verray valoure, and evynly to be divydit betwene the said partis, ilkane hafande that til hym fallis; that is to say, the said Robert and his airis the thirdpart, and the said Dauid and his airis the twapart: alsua gyf it hapnis that throw the wilfulnes or necligence of the said Robert or Dauid, or thaire airis, or throw ony othir cause, mufit or to be mufit, betwene the said partis in ony manere the saltpan or the saltpanis lyis idill or vnset in the defalt of ony of the forsaid partis, it sal be leful til the said Robert and Dauid, or til ony of thaim or thaire airis, wythoutyn impedyment of his persownere, to set and to ger laboure the said salt-pan or salt-panis, and the malis of thaim to rayse, and for thaim, gyf mystir be, to distrenye, and evynly to divyde it betwene hym and his persownere, swa that it inryn nowthir of the partis to preiudice. And at all thire appoyntmentis and condicionis befor wyrtyn sall lely and treuly be kepit, wythoutyn fraude or gile, or ony excepcioun, in forme and effec as is befor wyrtyn, aythire part is oblist be the fayth of his body. In wytnes of the quhilkis, to the mare sikirnes, the selis of the said Robert and Dauid to thire indenturis entirchangeabilly ar to-hungyn, the day, yere, and place before wyrtyn.

43. Contract betwixt Robert of Livingstone of Drumry and David of Wemyss, lord of Methill, relative to the land of Wemyss. 19th November 1428.

Be it kende til all men throw thire present letteris, that, the nyntene day of the moneth of Nouember, the yere of oure Lorde a thousand foure hundreth xx and aucht yere, it is acordit betwene Robert of Levyngstoun, lorde of Drumry on the ta part, and Dauid of the Wemys, lorde of Mythkil, on the tother part, in maner and forme eftir wyrtyn; that is to say, that gyff it hapnis the enterchange to

falze throw ony cause, or nocht til haulde betwene the said Dauid and his other persowneris of the landis of the Wemys in ony tyme to cum, it sall be lefull til the said Robert and til his airis, wythoutyn gainstandyng in ony manere of the said Dauid or his airis, til hafe recourse and remayne wyth alsmekil of the landis of the Wemis fra the Dene burne of the Kyrkwemis west, as pertenis til the said persowneris fra the said Dene burne est; the said Robert begynande at the said Dene burne, takand west thruch the hale twa part pertenande til the said Dauid, quhil the said Robert hafe that till hym fallis; all fraude and gyle away put. In wytnes of the quhilk, the seele of the said Robert to this evydent is to hongyn, the day, yere, and place befor wyrtyn.

44. Obligation by David of Wemyss, lord of Methill, to Thomas Charteris, lord of Cangnor, regarding the wadset of Ardargy. 10th December 1429.

Uniuersis pateat per presentes, me Dauid de Wemys, dominum de Methkill, teneri et tenore presencium firmiter et fideliter obligari Thome Charteris, domino de Cangnor, quod nec ego nec heredes mei obpignerabo nec obpignerabunt partem meam omnium terrarum de Ardergy a dicto Thoma, heredibus suis nec a suis assignatis, infra duos annos proxime sequentes post festum Pentecostes proxime futurum post datam presencium: et si contingat me, vel heredes meos, dictam partem meam terrarum de Ardergy obpignerare a dicto Thoma, heredibus suis, et a suis assignatis, infra duos annos antedictos, obligo me et heredes meos ad soluendum eidem Thome, heredibus suis aut suis assignatis, viginti quatuor marcas vsualis monete Scocie, in villa de Pertht, infra quadraginta dies proxime sequentes postquam predicta pars mea terrarum de Ardergy fuerit infra dictos duos annos obpignerata, sine excepcione, dolo uel fraude quibuscunque: Ad quam

quidem solucionem predicte summe pecunie, ut premittitur, faciendam, obligo me et heredes meos, terrasque meas et possessiones quascunque, ac omnia bona nostra, mobilia et immobilia, vbicunque fuerint inuenta, fore distringenda, quousque ista presens obligacio mea in omnibus, ut premissum est, fuerit perimpleta; omnibus excepcionibus doli, mali, et fraudis, ac omnibus aliis remediis iuris, canonici uel ciuilis, postpositis penitus et exclusis. In cuius rei testimonium presentibus sigillum meum est appensum, apud Pertht, decimo die mensis Decembris, anno Domini millesimo quadringentesimo vicesimo nono.

45. WADSET by DAVID OF WEMYSS, lord of Methill, to THOMAS CHARTERIS, lord of Cangnor, of half the lands of Ardargy. 10th December 1429.

OMNIBUS hoc scriptum visuris vel audituris, Dauid de Wemys, dominus de Methkill, salutem in Domino: Nouerit vniuersitas vestra me impignerasse, et nomine veri ac iusti pigneris dimisisse, nec non et hoc presenti scripto meo confirmasse Thome Charteris, domino de Cangnor, totam partem meam terrarum de Ardergy, que est dimidia pars omnium terrarum de Ardergy predicti, michi iure hereditario pertinentem, cum pertinenciis, iacentem infra vicecomitatum de Pertht, pro centum libris vsualis monete Scocie; quam summam dictus Thomas michi in mea necessitate pre manibus persoluit in pecunia numerata: Tenendam et habendam totam dictam partem meam terrarum de Ardergy, cum pertinenciis, predicto Thome, heredibus suis et suis assignatis, a me et heredibus meis, per suas rectas metas et diuisas, libere, quiete, bene et in pace, cum curiis et curiarum exitibus, eschaetis, merchetis, et heryheldis, ac omnibus aliis et singulis libertatibus, commoditatibus, et aisiamentis ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, ad totam dictam partem meam terrarum de Ardergy spectantibus, seu spectare valentibus quoquo modo in futurum, semper et quousque ego dictus Dauid, vel

heredes mei, persoluero vel persoluerint predicto Thome, heredibus suis aut suis assignatis, centum libras vsualis monete Scocie, in ecclesia parrochiali burgi de Pertht, super magnum altare eiusdem, simul et semel, vno die, inter solis ortum et occasum eiusdem; fructus vero, firmas, commoditates et proficua de parte mea dictarum terrarum de Ardergy cum pertinenciis, medio tempore prouenientes, ego dictus Dauid, pro me et heredibus meis, eidem Thome, heredibus suis et suis assignatis, pro suis benemeritis michi impensis, ex meo puro dono libere concedo per presentes; nichil inde computando in solucione summe principalis. Insuper, concedo, pro me et heredibus meis, eidem Thome, heredibus suis et suis assignatis, fructus, firmas, commoditates et proficua dicte partis mee terrarum de Ardergy, de vno anno postquam predicta summa centum librarum, ut premittitur, fuerit persoluta. Ego vero dictus Dauid, et heredes mei, totam dictam partem meam dictarum terrarum de Ardergy, cum pertinenciis, prenominato Thome, heredibus suis et suis assignatis, in omnibus et per omnia, ut premissum est, contra omnes homines et feminas warantizabimus, acquietabimus, et durante tempore istius impigneracionis fideliter et sine fraude defendemus, per omnes terras nostras et possessiones quascunque, ac sub ypotheca et obligacione omnium bonorum nostrorum, mobilium et immobilium, presencium et futurorum, omnibus excepcionibus doli, mali et fraudis, ac omnibus aliis remediis iuris canonici et ciuilis postpositis penitus et exclusis. In cuius rei testimonium presenti scripto meo sigillum meum est appensum, apud Pertht, decimo die mensis Decembris, anno Domini millesimo quadringentesimo vicesimo nono.

46. Acquittance by Hugh Fraser of the Lovat to David of the Wemyss of that Ilk, of 35 marks Scots of tocher. 10th December 1429.

Be it kende till all men throuch thir present lettiris, me Huchoune Fraser of the Louete, and scherefe deput of Inuernes, till hafe ressawit

Bert kende th
fruduce. till hy
lorde of pat
to me & m
dude to
p. marbe. of
bretyn/ hys
of quitclame
Elthok pe

Bert bende till all men throuch ȳ prue lyne. we huchoñ ffraſ of ȳ lowre & ſthrefe deput of Indues. till hafe reſſaſſit fra my derreſe & liſe belouſſit lyuch in lauch/ Dalzy of ȳ dempſ lorde of yat ylle. fyfte & thretty. marke of vſuale mouth of ſcotlande. beday of mayeaſt. payt to me & in my name to my deput. yat is to ſay. paiſt in Dundé for my dyrrunt. x. mark Dunde to dalzy of tolcdale my ſhaude yo mark. Dunde alſſua to thame of ſtrongdale my clerk x. marks. of ȳ ſyſtille ſomē of xxxvjo. mark. as is beſoſſunde. ȳ ſunde Dalzy of ȳ dempſ my breſſyr/ hes ayrſ. executorſ. & aſſſignayis. & all of hir obligatiōne of ȳe ſomē beſoſſunde for ald ſ quietclame/ Ity. Eumes of ȳ ſyſtille ſyſtill thyng my ſeile. to ȳ lyre ſ yeire & to pruit at Eldyok ȳ x day of December ȳ yheir of our lorde ſ. mill. tdenty and nyne yheir

fra my derreste and beste beluffit bruthir in lauch, Davy of the Wemys, lorde of that ilke, fywe and threty marke of vsuale moneth of Scotlande, be way of mareage payit to me and, in my name, to my depute; that is to say, paiit in Dunde for my armyng, x mark; ande to William of Twedale, my servande, xv mark; ande alsswa to Thome of Moungwele, my clerk, x mark: of the quhilke soume of xxxv marke as is beforsaide, the saide Dawy of the Wemys, my bruthire, his ayeris, executoris, and assyngnayis, and als of his obligacioune of this soume beforsaide, for euir I quiteclame. In vitnes of the quhilke thyng, my seile to thir lettiris I gerte be to-put, at Elthok, the x day of Decembir, the yhere of oure Lorde i^{m}cccc twenty ande nyne yhere.

47. TRANSUMPT, made 22d September 1442, of CHARTER by ROBERT OF LIVINGSTONE, Lord of Drumry, to JOHN OF WEMYSS, son of David of Wemyss, of the lands of Raith, etc. 14th March 1431-2.

IN Dei nomine amen. Hoc est transumptum siue copia cuiusdam carte, scilicet honorabilis domini, videlicet, domini Roberti de Lewynstone domini de Drumry, non rase non abolite nec in aliqua sue parte suspecte, suo sigillo roborate pendente in cera rubea albe inpressa, ut prima facie comparebat: Cuius tenor sequitur de verbo in verbum et est talis. OMNIBUS hanc cartam visuris uel audituris, Robertus de Lewynstone dominus de Drumry, eternam in Domino salutem. Nouerit vniuersitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse dilecto amico meo, Johanni de Vemys, filio et heredi quondam Dauid de Wemys, omnes et singulas terras meas de Rath, Glenystoune, et de Polgulde cum pertinenciis, iacentes in baronia de Lochquhore infra vicecomitatum de Fife: Quequidem terre cum pertinenciis fuerunt quondam dicti Dauid et domine

Cristiane de Douglas sponse sue, racione coniuncte infeodacionis, et quas terras cum pertinenciis dicta Cristiana, non vi aut metu ducta, nec errore lapsa, set sua mera et spontanea voluntate, per fustum et baculum, in sua pura viduitate, michi personaliter sursum reddidit ac in presencia plurium fidedingnorum in manibus meiis pure et simpliciter resingnauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit uel habere potuit pro se omnino quiteclamauit inperpetuum: Tenendas et habendas dictas terras cum pertinenciis predicto Johanni et heredibus suis, de me et heredibus meis, in feodo et hereditate inperpetuum, per omnes rectas metas suas et diuisas, in boscis, planis, aquis, stangnis, pratis, pascuis et pasturis, in venacionibus, aucupacionibus et piscacionibus, moris, marrasiis, petariis, turbariis, carbonariis, cum lapide et calce, fabrilibus et brasinis, cum molendinis, multuris et eorum sequelis, cum curiis, eschaetis et curiarum exitibus, cum bondis et bondagiis et natiuis hominibus, necnon et cum omnibus aliis libertatibus, commoditatibus et aisiamentis ac pertinenciis quibuscunque ad dictas terras cum pertinenciis et quamlibet earum spectantibus seu spectare quouismodo valentibus in futurum, tam non nominatis quam nominatis, tam prope quam procul, tam sub terra quam supra terram, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dictus quondam Dauid aut aliquis predecessorum suorum, vel domina Crystiana racione coniuncte infeodacionis liberius tenuit seu possedit, tenuerunt seu possederunt: Faciendo inde dictus Johannes et heredes sui domino nostro Regi seruicium debitum et consuetum; et reddendo inde michi et heredibus meiis vnum denarium argenti in ecclesia de Ouchterdera nomine albe firme ad festum Sancti Martini in hieme, si petatur tantum, pro omni secta curie, warda, reliuio et maritagio, et omnibus aliis seruiciis secularibus, exactionibus seu demandis que de dictis terris cum pertinenciis per me uel heredes meos aliqualiter exigi poterunt uel requiri: Reseruato tamen libero tenemento predictarum

terrarum cum pertinenciis predicte domine Cristiane pro toto tempore vite sue. In cuius rei testimonium huic presenti carte mee sigillum meum est appensum, apud Pertht, decimo quarto die mensis Marcii, anno Domini millesimo quadringentesimo tricesimo primo; hiis testibus, domino Johanne Forestare milite, domino de Corstorfyne, camerario Scocie, domino Waltero de Ogilby milite, domino de Luntrethin, magistro hospicii domini nostri Regis, Johanne Lyndissay domino de Biris, Henrico Forestare et Alexandro de Narne, cum multis aliis. TRANSUMPTUM seu copiatum fuit hoc apud Achynlec per me notarium subscriptum vicesimo secundo die mensis Septembris, anno Domini millesimo quadringentesimo quadragesimo secundo; presentibus ibidem nobilibus viris, videlicet, Willelmo de Achinlec, Jacobo de Dowglas, Archebaldo Wallace, domino Gilberto Red capellano, cum multis aliis ad premissa vocatis specialiter et requisitis. Constat michi notario de illis verbis bis scriptis, videlicet, sue parte suspecte sub prima linea et de le verbo vi sub septima linea huius instrumenti.

Et ego Johannes de Hauched, presbiter Glasguensis diocesis, auctoritate imperiali notarius publicus [*etc.*]

48. CHARTER OF CONFIRMATION by ELIZABETH VALANS of Inchgall, in favour of JOHN OF LUMSDEN, of the third part of the lands of Lochhead. 15th August 1432.

OMNIBUS hoc scriptum visuris vel audituris, Elisabeth de Valans, domina de Inchgall, salutem in Domino sempiternam: Sciatis me approbasse, ratificasse et tenore presentium, in mea pura et legitima viduitate, confirmasse donacionem et concessionem illas quas Willelmus de Allirdes de Dunduff fecit et concessit Johanni de Lumysdene, vicecomiti de Fife, de tota et integra tercia parte terrarum de Lochhede cum pertinenciis, quam de me tenet in capite, de occidentali parte baronie de Lochquhore, infra vicecomitatum de Fife: Tenendam et

habendam totam et integram predictam terciam partem terrarum predictarum, cum pertinenciis, dicto Johanni et heredibus suis, cum omnibus et singulis libertatibus, commoditatibus, et asiamentis ac iustis suis pertinenciis quibuscunque ad dictam terciam partem terrarum predictarum cum pertinenciis spectantibus, seu iuste spectare valentibus quomodolibet in futurum; adeo libere, quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut in euidenciis prefato Johanni inde confectis plenius continetur: Saluo michi et heredibus meis seruicio debito et consueto, quantum pertinet ad terciam partem terrarum predictarum cum pertinenciis. In cuius rei testimonium huic presenti scripto sigillum meum est appensum, apud Dunde, decimo quinto die mensis Augusti, anno Domini millesimo quadringentesimo tricesimo secundo.

49. Protest by Michael Wemyss in behalf of John Wemyss, to whom he was tutor. 18th November 1432.

In Dei nomine amen. Nouerint vniuersi hoc presens publicum instrumentum visuri vel audituri, quod anno ab incarnacione eiusdem millesimo quadringentesimo tricesimo secundo, indictione vndecima, mensis Nouembris die decimo octauo, pontificatus sanctissimi in Christo patris et domini nostri, domini Eugenii diuina prouidencia Pape quarti anno secundo, in curia vicecomitis de Perth, tenta in pretorio burgi de Perth per Johannem de Spensa, deputatum vicecomitem de Perth, die confectionis huius instrumenti; in qua curia comparuit nobilis vir, dominus Andreas Gray de Foulis, miles, et prosecutus fuit Johannem de Wemys, filium et heredem quondam Dauid de Wemys, per breue compulsionis de capella regia super centum marcis et quindecim marcis vsualis monete Scotie, in defectu complementi et facture quinque marcarum terre et decem solidorum terre: Et tunc comparuit in dicta curia Michael de Wemys, dicti Johannis de Wemys tutor, ut apparuit per literam sub magno sigillo domini nostri Regis sigillatam, et in curia

perlectam: Idem Michael peciit quid idem dominus Andreas Gray habuit dicere dicto Johanni de Wemys, mediante protestacione, quod noluit intrare in placito in dicta curia in preiudicium dicti Johannis, quia prosecutio dicti domini Andree Gray tangebat feodum et hereditatem dicti Johannis de Wemys; et quod predictus Johannes, nec eius tutor pro eo, non debuit de jure respondere alicui parti de suo feodo et hereditate, quamdiu existit infra etatem; et hoc affirmauit per plegium, quod plegium vicecomes noluit recipere. Et tunc idem Michael inuenit aliud plegium quod illud plegium recipi debuit, quod non receptum fuit. Et tunc dictus Michael protestatus fuit quod acta uel facta illius iudicis suspecti et curie predicte in hac causa non generet preiudicium dicto Johanni, pupillo, uel suo feodo et hereditati, declinando dictum iudicem tanquam sibi suspectum et curiam suspectam, ut dicebat. Super quibus omnibus et singulis predictis prefatus Michael peciit a me notario publico subscripto sibi publicum fieri instrumentum. Acta fuerunt hec anno, indictione, mense, die, et pontificatu supradictis, et loco superius annotato; presentibus Thoma Charteris de Cangnor, Thoma de Kynnarde de Culbyn, Johanne de Rothven de eodem, Andrea de Ogilby de Inchmartin, Johanne Hering de Glascline, Archibaldo Steuart, Finlaio Butter, Johanne Eviot, Ricardo de Buthyrgask, et Eugenio de Rosse, testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus de Kynnarde, clericus Sanctiandree diocesis, publicus auctoritate imperiali notarius [*etc., in forma communi*].

50. INSTRUMENT relative to contract of marriage between the son of SIR ANDREW OF OGILVY of Inchmartin and EUFEMIA, the daughter of David of Wemys. 22d July 1443.

IN Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quadringentesimo quadragesimo tercio, mensis vero Julii die vicesimo secundo, indiccione sexta, pontificatus sanctissimi in Christo patris et

domini nostri, domini Eugenii diuina prouidencia Pape quarti anno decimo tercio, in mei notarii publici et testium infrascriptorum presencia personaliter constitutus nobilis vir, dominus Jacobus de Awchinlek de eodem, miles, requisiuit instanter nobilem virum, dominum Andream de Ogilvy de Inschmartyne, militem, vt perimpleret et plerimpleri faceret quoddam appunctuamentum inter ipsos factum et habitum; videlicet, quod filius et heres dicti domini Andree, infra quadraginta dies, contraheret et compleret matrimonium cum Eufemia, filia quondam Dauid de Wemys, progenita inter eundem Dauid et Cristianam, nunc sponsam dicti domini Jacobi, aut infra eundem terminum dictus dominus Andreas acquiret dicte Eufemie vnum virum in maritagio, qui posset annuatim despendere ducentas marcas; quibus deficientibus, quod sibi domino Jacobo persolueret quingintas marcas vsualis monete Scocie currentis. Ad que omnia dictus dominus Andreas respondit in hec verba, uel in effectu similia; videlicet, quod, ex certis causis animum suum mouentibus, non potuit perimpleri fieri matrimonium cum filio suo et herede et dicta Eufemia, set libenter impleret appunctuamentum et contractum inter eosdem factum, prout in euidenciis eorundem plenius continetur. De et super quibus omnibus et singulis premissis prefatus dominus Jacobus a me notario publico subscripto sibi fieri peciit publicum instrumentum seu publica instrumenta. Acta fuerunt hec infra burgum de Perth, in hospicio Willelmi Cauerys, burgensis dicti burgi, hora quasi vndecima ante merediem, anno, mense, die, indiccione, et pontificatu suprascriptis; presentibus ibidem, nobilibus et prouidis viris, domino Alexandro Berclay de Garntwly, milite, Thoma Wemys de Reras, Johanne Wemys de eodem, Jacobo Dowglas de Raylstoun, et Henrico Forstare de Nwdere, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Gent, presbyter Sanctiandree diocesis, publicus auctoritate imperiali notarius [*etc.*]

51. Notarial Letters recording a Decree in favour of Isabella, prioress of Elcho, freeing the convent from payment of tithes. 13th March 1444.

In Dei nomine amen. Nos Nicolaus Huntar, rector ecclesie parrochialis de Forteviot, et Johannes de Donyne ecclesie parrochialis de Perth vicarius perpetuus ac magister in artibus, bacallarii in decretis; in causa et causis inter discretum virum dominum Patricium Scot, vicarium ecclesie parrochialis de Rind, Sanctiandree diocesis ab vna, contra et aduersus religiosas dominas, Ysabellam priorissam et moniales monasterii de Elcho eiusdem diocesis partibus ab altra, super peticione quarundam decimarum minutarum cum funeralibus cuiusdam mulieris infra dictum monasterium de Elcho sepulte per eundem vicarium petitis tanquam sibi et sue vicarie pertinentibus; necnon ex parte priorisse de Elcho et conuentus eiusdem, super priuilegio apostolico suo ordini Cisterciensi indulto, de non soluendo decimas de propria cultura et animalibus, ortis, pratis, pascuis et pasturis, ac pacifica possessione quadraginta annorum; in quibus quidem priuilegii possessione ac huiusmodi decimarum pacifica percepcione dicta priorissa et conuentus per idem annorum spacium et vltra se asserunt esse et extitisse, et ipsis decimis hucusque pacifice gauisas fuisse, contra eundem dominum Patricium vicarium de Rind supradictum propositis et allegatis: a reuerendo in Christo patre domino Jacobo Dei et Apostolice sedis gracia Episcopo Sanctiandree, coniunctim et diuisim, commissarii specialiter deputati in eisdem causis cognoscendis, auditis prius parcium predictarum peticionibus, libellisque ab vtraque parte oblatis et iudicialiter porrectis, ac responsionibus factis ad eosdem, hincindeque lite legitime contestata, prestitis ab eisdem partibus de calumpnia et veritate dicenda iuramentis; datis quibusdam posicionibus et articulis, responsionibus ad eosdem subsecutis; testibus, instrumentis ac aliis munimentis coram nobis productis; attestacionibus publicatis ceterisque aliis terminis

legitimis et consuetis obseruatis: Demum de parcium consensu concludentes, visis, intellectis, examinatis et ad plenum discussis meritis causarum predictarum, maturaque deliberacione super his prehabita, ac iurisperitorum ab vtraque parte communiter et concorditer electorum communicato concilio et secuto, eisdem prius omnium et singulorum coram nobis actitatorum fideli facta relacione; partibus pro sentencia ferenda legitime citatis, eisdemque coram nobis comparentibus ac sentenciam ferri instanter postulantibus: Nos Nicolaus et Johannes antedicti pro tribunali sedentes, solumque Deum pre oculis habentes, et eius sanctissimo nomine primitus inuocato, per hanc nostram sentenciam diffinitiuam quam ferimus in his scriptis, pronunciamus, decernimus, diffinimus et declaramus predictas dominas, Ysabellam, moniales ac conuentum monasterii de Elcho antedicti, ab omnibus et singulis in libello domini Patricii vicarii suprascripti contentis et expressatis fore absoluendas et absoluimus easdem; ac dicto domino Patricio perpetuum silencium super premissis et quolibet premissorum imponendum fore decernimus et imponimus per presentes; necnon eundem dominum Patricium in expensis in lite factis condempnandum fore et condempnamus, quarum taxacionem nobis inposterum reseruamus: Lata et lecta fuit hec nostra sentencia diffinitiua in capella Beate Anne infra burgum de Perth, huiusmodi cause et causarum loco consistoriali consueto, terciodecimo die mensis Marcii, anno Dominice incarnacionis millesimo quadringentesimo quadragesimo quarto secundum computacionem ecclesie Scotticane, indiccione octaua, pontificatus sanctissimi in Christo patris et domini nostri domini Eugenii diuina prouidencia Pape quarti anno quintodecimo. In quorum omnium et singulorum fidem et testimonium premissorum presentes literas siue presens publicum instrumentum per notarium et scribam nostrum subscriptum publicari et subscribi, et tam sui signi quam nostrorum sigillorum appensione et subscripcione muniri mandauimus atque fecimus, hora quasi decima ante merediem uel eocirca; presentibus ibidem venera-

bilibus et discretis viris, magistris Roberto de Tullous, officiali Dunkeldensi generali, Jacobo de Dalrympil, magistro in artibus ac preposito ecclesie collegiate de Abirnethy, Johanne de Atholia cancellario Dunkeldensi, Mauricio de Macknab canonico Dunkeldensi, in artibus magistris, Roberto Scharp et Andrea de Kynnell, baccalariis in decretis, dominis Roberto Fevir et Willelmo Gardenar, ecclesiarum parrochialium de Kynnovlle et de Diplyne rectoribus, testibus ad premissa vocatis pariter et rogatis.

Et ego Willelmus Gent, presbyter Sanctiandree diocesis, publicus imperiali auctoritate notarius, dictorumque dominorum iudicum et huiusmodi cause ac causarum coram eisdem scriba [*etc.*].

52. Charter by Robert Livingstone of Drumry to John Wemyss of that Ilk, of the lands of Wester Raith, Glenniston, and Polgulde. 13th March 1447-8.

Omnibus hanc cartam visuris vel audituris, Robertus de Levynstoun de Drumry et de baronia de Lochore, miles, salutem in Domino sempiternam. Nouerit vniuersitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse dilecto meo et speciali Johanni de Wemys de eodem, totas et integras terras meas de Westyrrath, Glenestoun, et de Polgulde cum pertinenciis, iacentes in baronia mea predicta de Lochore, infra vicecomitatum de Fyfe: Que quidem terre cum pertinenciis fuerunt dicti Johannis, et quas idem Johannes non vi aut metu ductus, nec errore lapsus, set sua mera et spontanea voluntate, in presencia plurium fidedignorum apud manerium meum de ly Wemys, per fustum et baculum sursum reddidit, pureque et simpliciter in manibus meis resignauit, ac totum ius et clameum que in dictis terris cum pertinentiis habuit seu habere poterit pro se et heredibus suis omnino quiete clamauit: Tenendas et habendas predictas terras cum pertinenciis, dicto Johanni de Wemys et prolibus masculis inter ipsum et Mergretam de

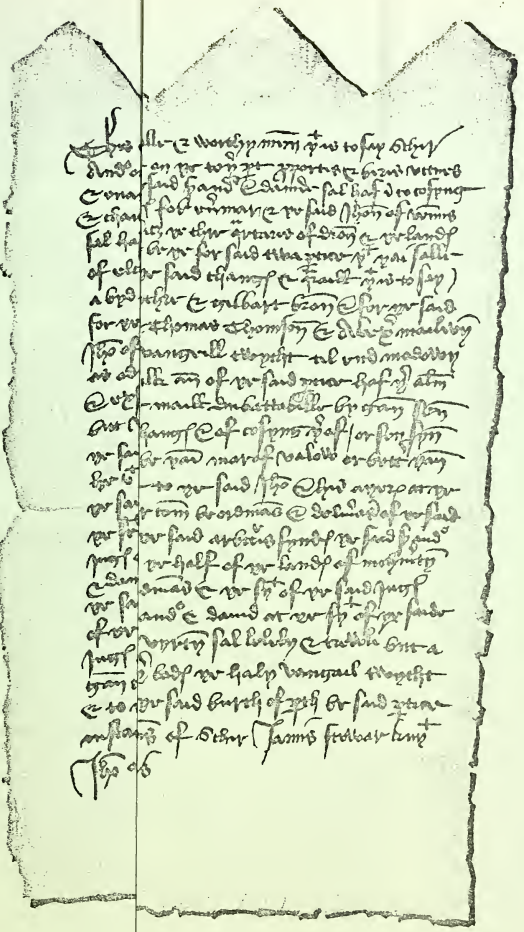
Levynstoun, filiam meam naturalem, procreatis seu procreandis, quibus forte deficientibus, prolibus masculis legittime de corpore predicti Johannis procreandis, quibus forsan deficientibus, prolibus femineis inter predictos Johannem et Mergretam procreatis seu procreandis, quibus vero omnibus forsitan deficientibus, veris legittimis et propinquioribus heredibus predicti Johannis quibuscunque, de me et heredibus meis, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, ac cum omnibus aliis et singulis libertatibus, commoditatibus et aysiamentis, ac iustis suis pertinenciis quibuscunque, ad predictas terras cum pertinenciis spectantibus, seu iuste spectare valentibus quomodolibet in futurum, adeo libere, quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia sicut dictus Johannes vel Dauid de Wemys, olim pater eius, terras predictas cum pertinenciis de me aliquo tempore retroacto liberius, quiecius, plenius, integrius et honorificencius tenuit seu possedit, tenuerunt seu possederunt, sine aliquo retinemento vel reuocacione, imperpetuum: Reddendo inde annuatim prefatus Johannes de Wemys et proles mascule inter ipsum et Mergretam de Levynstoun procreate seu procreande, quibus forte deficientibus, proles mascule legittime de corpore predicti Johannis procreande, quibus forsan deficientibus, proles feminee inter predictos Johannem et Mergretam procreate seu procreande, quibus vero omnibus forsitan deficientibus, veri legittimi et propinquiores heredes predicti Johannis quicunque, michi et heredibus meis vnum denarium argenti, nomine albe firme, apud capitale messuagium dictarum terrarum in festo Penticostes, si petatur tantum, pro omnibus aliis oneribus, seruiciis secularibus, exaccionibus vel demandis, que de dictis terris cum pertinenciis per quoscunque exigi poterunt aut requiri. In cuius rei testimonium, sigillum meum presenti carte mee est appensum, apud manerium meum de ly Wemys, decimo tertio die mensis Marcii, anno Domini millesimo quadringentesimo quadragesimo septimo; hiis testibus Willelmo et Thoma de Levynstoun, Johanne de

Lyndyssay de Logy, Alexandro Malwyne de Kennowy, Alexandro Malwyne iuniore, Johanne Malwyn, Roberto de Dunsyare, armigeris, dominis Jacobo Bridi notario publico, Symone Mortoun, capellanis, cum diuersis aliis.

53. Charter by King James the Second to John Wemyss of that Ilk, of the lands of Wardropston and others. 20th April 1448.

Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto nostro Johanni de Wemys de eodem omnes et singulas terras de Wardrapstoun, cum piscaria eiusdem, iacentes infra vicecomitatum nostrum de Kincardin; et omnes et singulas terras de Balhawale cum pertinenciis, iacentes infra vicecomitatum de Forfare; ac eciam omnes et singulas terras de Strathardil, de Inchmartyn et Petmyddil cum pertinenciis, et omnes et singulas terras de Kinarde, de Elchok, Balhabram, de Ardargy et de Dron cum pertinenciis, iacentes infra vicecomitatum de Perth; ac omnes et singulas terras de Wemys, Tulybrek, Litill Lon, Cameronmylne, de Hauch de Wemys, Tarwate et de Pettconnoquhi cum pertinenciis, iacentes infra vicecomitatum de Fyfe: Que quidem terre cum pertinenciis fuerunt predicti Johannis de Wemys hereditarie, et quas idem Johannes, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua in manus nostras per fustem et baculum apud Edinburgh coram subscriptis testibus sursum reddidit pureque et simpliciter resignauit; ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit pro se et heredibus suis omnino quittum clamauit imperpetuum: Tenendas et habendas predictas terras cum pertinenciis predicto Johanni de Wemys et prolibus masculis inter ipsum et Margaretam de Levingstoun, filiam Roberti

de Levingstoun de Drumry, militis, procreatis seu procreandis, quibus forsan deficientibus heredibus masculis legittime de corpore predicti Johannis procreatis seu procreandis, quibus forte deficientibus prolibus famellis inter predictos Johannem et Margaretam procreatis seu procreandis, quibus forsitan omnibus deficientibus veris legittimis et propinquioribus heredibus predicti Johannis quibuscunque, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas et diuisas suas, cum omnibus et singulis libertatibus, et commoditatibus, aisiamentis et iustis pertinenciis suis quibuscunque ad dictas terras cum pertinenciis spectantibus seu quomodolibet iuste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Johannes aut predecessores sui prefatas terras cum pertinenciis de nobis aut predecessoribus nostris ante dictam resignacionem nobis inde factam liberius tenuit seu possedit, tenuerunt seu possederunt: Faciendo inde nobis et heredibus nostris predictus Johannes pro toto tempore vite sue et post ipsius decessum proles masculi inter ipsum et Mergaretam de Levingstoun predictam procreati seu procreandi, quibus forsan deficientibus proles masculi legittimi de corpore predicti Johannis procreati seu procreandi, quibus forte deficientibus proles famelle inter predictos Johannem et Mergaretam procreate seu procreande, quibus forsitan omnibus deficientibus veri et propinquiores heredes predicti Johannis quicunque, seruicium inde debitum et consuetum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, Willelmo domino Creghtoun, consanguineo et cancellario nostro, reuerendis in Christo patribus Willelmo et Johanne custode nostri priuati sigilli et secretario nostro, ecclesiarum Glasguensis et Dunkeldensis episcopis, Willelmo et Georgio de Douglas et Angusie comitibus, consanguineis nostris carissimis, Alexandro domino Montgomry consanguineo nostro dilecto, Alexandro de Levingstoun de Calenter, Johanne Sibald de Balgovny,



militibus, Jacobo de Levingstoun, nostre persone custode, capitaneo de Streuelyne, et Roberto de Levingstoun compotorum nostrorum rotulatore; apud Streuelyne, vicesimo die mensis Aprilis, anno Domini millesimo quadringentesimo quadragesimo octauo, et regni nostri duodecimo.

54. INDENTURE between SIR ANDREW OGILVY of Inchmartin and JOHN WEMYSS of that Ilk, for an exchange of the lands of Inchmartin and Dron. 11th May 1456.

THIS endenturis maid at Perth, the xi day of the muneth of May, the yer of God a m cccc lvi yeris, betwex honorabille and worthy men, that is to say, Schir Andro Ogilby of Inchmertyne, knycht, and Dauid Ogilby, his sone and ayer aperande, on the ta part, and Jhone of Wemmis of that ilk on the tother part, proportis and beris vitnes and euandently contennis at the forsaid partice ar fullely acordit in furme and maner as efter followis; that is to say, at the forsaid Schir Andro and Dauide sal haf in to cosyng and change the said Jhon of Wemmis part of al the landis of Inchmertyn vith thar pertinens, vith tenand and tenna[nd]ry, in fe and heritage, for euirmar, and the said Jhone of Vemmis sal haf in lik manar tharfor the said Schir Andro and Dauidis part of the landis of Vemschir, the landis of the Drone, vedelicet, the thre quartaris of Drone, and the landis of Elchow, vith tenand and tenna[nd]ry, in fe and heritage, for euermar: and tharatowr it is fullely acordit and compromittit be the forsaid twa partice that thai salle abyd, fulfille, and vnderly the ordinans, the sentens, the deleuerans, and consaille of thir personis vnder vyrtyng in alle the said changis and quarraillis; that is to say, for the said Schir Andro and Dauid, Vilyam Charteris of Kannor, Alexander of Strathachyne of Dulward, Master Dauid Guthre, and Gilbart Broun; and for the said Jhon of Vemmis, Patrik Gray, son and aperand ayer of Andro Lord Gray, Archbalde Stewart, Dauid

Gaylychtly, and Thomas Thomsone, and Alexander Mailwyn as odman, be the ful consent of bath the said partice: the quhilkis ix personis ar bodaly sowerne, the haly vangeill twycht, til end, modowy, and exstent the said landis, chang and cose efter thar vittynis lellely and trewly, but fraud or gille, sway at ilk ane of the said partice haf thar aline but varryng efter thar vnderstandyn: and in lik maner, twychyng the infeftmentis of the said landis, and the maillis diubattabille bygane sene the said Schir Andro intermittit vith the said landis of Inchmertyn, belangande the said Jhone be rasone of his clame of changis and of cosyng tharof, or sen syne he vith his landis belangand tille hyme. And gif the said Jhone of Vemmis landis of Inchmertyn be fundyn be thaim mar of valow or better thane the said Schir Andro and Dauid[is] landis of the Vemschir, the Drone, and Elchow, the said Schir Andro and Dauid sal recompence to the said Jhon and his ayeris at the sycht of the said jugis: and gif the said arbiteris fyndis the said Schir Andro and Dauidis part to the valow of the ourcome, be ordinans and deliuerans of the said jugis, of ony othir of thar landis pertenand to thaim and best ganand to the said Jhon at the sycht of the said jugis: and gif the said arbiteris fyndis the said Schir Andro and Dauidis part of the Wemmschir, Drone, and Elchow, with thar pertinans, excedis as said is, and is mar of valow thane the half of the landis of Inchmertyn, the said Jhone sal recompence to the said Schir Andro and Dauid, or to thar ayeris, to the valow of the orcome, be the ordinans and the sycht of the said jugis, of the Drone, pertenand to the said Jhone; and falzeand tharof, of othir of his landis best ganand to the said Schir Andro and Dauid, at the sycht of the saide jugis, alle fraud, giil, and exceptiounis away put: and al the forsaid condotiounis, articlis, and apuntmentis abun vyrtyn sal lelely and trewli, but agane callyn or reuocatioun, be haldyn, kepit, and fulfillit, bath the said partice ar bodaly oblist be the fath of thar bodis, the haly vangail twycht: and to the mar euydent vttnasyne, thai haf enterchanaply put to thar seillis,

togider vith the secret seil of the said burch of Perth, be said partice instandly procurit, in the mar euanly vttnasyne of the thyngis forsaid, day and yer befor vyrtyn; in presens of Schir Jamis Stewar, knycht, Jhon of Tyry, balze of the said burch, Vat of Edwy, Schir Gilbar Anderson, and Schir Jhone of Grenlaw, chaplanis.

55. Decree-Arbitral between Sir Andrew Ogilvy of Inchmartin, David his son, and John Wemyss of that Ilk. 13th May 1456.

At Perth, the xiii^ten^ day of the moneth of Maii, the yher of God j^m^iiij^cccc^ fifty and sex yheris, we, Patrick Gray, soune and apperand ayre of Andro lord Gray, William Charteris of Cangnor, Alexander of Strathauchwyne of Dullvarde, Archibald Stewart, Maister Dauid Guthry of Kincaldroune, Gilbert Broune, Alexander Malwill, Dauid Galichly, and Thomas Thomsone, iugis arbitouris and amiabill compositouris chosyne be Schir Andro Ogilby of Inchemartyn, knycht, and Dauid Ogilby, sone and apperand ayre to the said Schir Andro, on the ta part, and Johne of Wemys of that ilke on the tothir part; in to the cause movit and dependande betuix the said Schir Andro and Dauid his said sone and the said Johne of Wemys twiching the chang and cossing of the half of all the landis of Inchmartyne with thar pertinens, with tenand and tenandry, belangand to the said Johne of Wemys, and all the landis of the Wemyschir, with tenand and tenandry, the thre quarteris of the landis of the Drone, with tenand and tenandry and thar pertinens, and all the said Schir Androis and Dauidis part of all the landis of Elchok with thar pertinens, with tenand and tenandry, and alsua tuiching the infeftmentis of all the said landis, and alswa twiching all clamis of all malis debatabill betwix the said partis of all the termis bygane, sene the said Schir Andro entermettit with the said landis of Inchmertyne belangand to the said Johne of Wemys, be resone and titill of his richt and clame of the said

chang and cossing; and in lik maner sen the forsaid Johne sen the samyn tym entermettyt with the said Schir Androis landis of the Wemyschire, Elchok and the Droun for the said cause: all clamys, richtis, accionis, querellis and debatis dependand apon the forsaid chang and cossing: We, the forsaid iugis arbitouris, beand bodily oblist and sworne the gret atht, the haly ewangelis twichit, to determyn, decide, modify, deliuer, extent, and finally till end all the forsaid cossing, and all vthir and sindry debatis, accionis, querellis, and clamys dependande tharapon betuix the forsaid partyis amiabilly, lelly and trevly, but ony fr[i]uell excepcioune, fraud, or gile; swa at ilkan of the said partyis may sekirly haf thar awyne but hendering, werring, or scathing eftir our knawlegis and wittingis: And the forsaid partiis beand bodily oblist and sworne the gret atht, the haly ewangilis twichit, till hald, kep, observe, vnderly and fulfill oure decretis, sentens, iugmentis, and diliuerans lelly and trevly for outyn ony reuocacioun, excepcioun, or ony agayncalling quhatsumeuer, and thar eftir all the avaymentis, clamis, chalangis, letteris, euidentis, documentis, knawlegis, munimentis and vthir condiciounis bath of folowing and defens of batht the said partis first twiching the said cossing and chang of all the said landis witht thar pertinens; and in like maner of the infeftmentis and syn twiching all the debatis of the malis and punding of the said partis betwix the said Schir Andro and Johne sen the tym of the clame of the cossing and chang of the said landis: All the avaymentis and clamis bath of folowing and defens of batht the said partiis be vs herd, vndirstandyn, and wele consideryt, we beand wele and a riply avisit, and hafand God befor e, ilke man in his awyn consciens: thus we deliuer, decernis, decretis and sentens at the forsaid Schir Andro and Dauid his sone and apperand ayre, as said is, and thar ayris, sall haf in to fee and heretag for euirmare all the said Johne of Wemys part of all the landis of the lordschip of Inchemartyne, witht tenand and tenandry, witht thar pertinens, and all profictis, till hald thaim of

our Souerane lord the King as the said Johne haldis thaim now or as his antecessouris held thaim; and tharfor in to like maner the said Johne of Wemys sall hafe all the forsaidis Schir Androis and Dauidis part of all thar landis of the Wemisschire, with tenand and tenandry, with thar pertinens, for hyme and his ayris, in fee and heretag for euermare; and allswa he sall hafe the thre quarteris of the landis of the Drone, witht thare pertinens, with tenand and tenandry, he payand of thai said thre quarteris of the Drone yerly to Dauid Bossvill and his ayris twa markis of annuell rent of vsuale money of Scotlande, and alswa he sall hafe all the said Schir Androis and Dauid partis of thare landis of Elchok witht thar pertinens, with tenand and tenandry and all vthir profictis; and all thir landis to be haldyne of our souerane lord the king in lik maner as thai ar haldyne now or as thar antecessouris held thaim: And for sa mekill as all the forsaid landis of the lordschip of Inchemartyne witht thar pertinens ar haldyn in to fre blanchferme of the king and the tothir forsaid landis of Wemyschire, Elchok and the Droune changit and cossit ar haldyne ward and relefe, we decret, deliueris, sentens and decernis, and ordanis at the said Johne of Wemys sall hafe in to fee and heretage be charter, possessioun and sesing vnder a letter of reuersioun in to the best forme as vse is sex markis wortht of land yerly of the Westir Toune of Inchemartyn to be haldyn of the said Schir Andro and Dauid and thar ayris blancheferme ay and on quhilest quhill the said Schir Andro or Dauid or thar ayris optene, purches, and gett at our souerane lord or his ayris all the forsaid landis of the Wemisschire, the Droune and Elchok witht thar pertinens, quhilkis ar now to be changit and cossit in excambium, to be haldyn of our said souerane lord and his ayris in to free blanche ferme as he haldis the landis off the lordschip of Inchemartyne, and this enfeftment of the said sex markis worth of land yerly to be mad and fulfillyt in all gudly hast but fraud or gile: and gif the said Schir Andro or Dauid or thar ayris optenis, purchessis

na gettis nocht the forsaid landis of Wemisschire, the Drone and Elchok to be haldyn blanchferme of our souerane lord, as said is, betwix the day of the making of thir presentis and the fest of Sanct Martyn in wyntir next folowand the dait of thir letteris, than the forsaid Johne or his ayris than at the said fest of Sanct Martyn sall entir tham in to payment of the half of the said sex markis wortht of land for the first terme, and swa furth perpetually quhill all the forsaid landis be gottyne to the said Johne and his ayris to be haldyn blanchferme, as said is, or quhill the said Schir Andro or Dauid or thar ayris or assingnayis pay to the said Johne, his ayris or assingnayis, the svme of ane hundreth markis and fywe markis of vsuale money of Scotland apon a day betuix the rising of the soune, the passing too of that ilke, at anis and togidder in a soume, in to the parische kirk of Perth, apone the hee auter of the samyne, but fraud or gile: and the said Johne of Wemys and his ayris sall fretht to the forsaid Schir Andro and Dauid and thar ayris all the thriddis of all the landis of his part of the lordschip of Inchemartyne belangand to the said Johne of Wemis moder be resoun of thrid for all the dayis of his moderis life, and mak thaim fre yerly till hyme of all hir thriddis for hir said lif tym, but fraud or gile. Item, twiching the vp taking of the malis of the landis of Inchemartyn takyn be the said Schir Andro pertening to the said Johne of Wemis, we find at the said Johne has takyn vp alsmekill of the malis pertening to the said Schir Andro of his landis of the Wemischire, Drone and Elchok to the full valow of thaim, excepand twelf pundis and xij d. the quhilk the said Schir Andro has takyn vp mare of his malis of Inchemartyn: And gif he, the said Schir Andro, has payit the pure men of the Drone, or takis one hyme to pay thaim als mekill as cummis to the said soume of xij lib. and xij d. sa at the said Johne of Wemys be dischargit tharof of the pure men, the said Schir Andro salbe dischargit of the said twelf pundis and xij d. and the said Johne of Wemis sall content the said pure men of the Drone of the remanent eftir as thai

may lauchfully pruf it. Item, gif it hapynnis at the said Johne of Wemis wantis ony male of this Witsonday terme of the landis of Drone or of Wemyschir, other be recognicioun made or be wast lying, we ordane the said Schir Andro till pay and to recompens that termis male till hym sa mekill as he wanttis, but fraud or gile, and ilkan of the said partis till infeft vthir be charteris and sesingis maid of thar awyn in excambium till hald of the king, witht clause of warandice, withtin xl^{ti} dayis or sounare and thai may, and ilkan of thaim purchesand and optenand thar awyn confirmacioun at the king, and batht the said partis in tó that purchesing be helpand and furtherand vthire but fraud or gile. And this till all thaim to quham it efferis or may effere in tym to cum we mak knawyne be thir our present letteris. In the witnes of the quhilk thing to thir present letteris we haf hungin to our propir selis, day, yher, and place forsaid, togiddir witht the secret sele of the said burgeh of Perth be vs instantly procurit and the sing and subscripcioun of Maister Johne of Dundee, public notar, in mare evident witnessing of all thing forsaid, and alswa witht the selis of the said Schir Andro, Johne and Dauid fortifiand and strenthande this present decret and sentens, in presens of

Et ego Johannes de Dunde, presbyter Sancti Andree diocesis, publicus auctoritate Imperiali notarius, predictorum iudicum arbitratorum et amicabilium compositorum sententie decreti diliberacioni, fulminacioni, exhibicioni, prolacioni, perlecture, omnibusque aliis et singulis supradictis, dum sic ut premittitur per predictos iudices agerentur, dicerentur et fierent, vna cum predictis dominis iudicibus arbitratoribus et multis aliis testibus presens interfui; eaque sic dici, fieri, sciui, vidi et audiui, ac in notam sumpsi, et hic me manu propria subscribendo, signoque et nomine meis solitis et consuetis signaui, vna cum appensione sigillorum dictorum dominorum iudicum arbitratorum rogatus et requisitus in fidem et testimonium

veritatis omnium premissorum, anno Domini millesimo quadringentesimo quinquagesimo sexto, mensis vero Maii die decima tercia, indictione quarta, pontificatus sanctissimi in Christo patris ac domini nostri domini Kalisti diuina prouidentia Pape tercii anno secundo.

56. INDENTURE between JOHN OF WEMYSS of that Ilk and ROBERT OF CUNINGHAM of Achinbowy, respecting an exchange of lands. 15th November 1457.

THIS Indenture, made at Markinche in Fyfe, the xv day of the moneth of Nouember, the yhere of our Lorde m cccc fyfti and seuyn yheris, proportis, contenis, and beris witnes in the self, that [it] is appoyntit and fulleli concordit betuix honorabill men, that is to say, John of Wemys of that Ilk on the ta parte, and Robert of Conynghame of Achinbowy, on the tothir parte, be the consale and avise of thir personis vndirwrittin; that is to say, Schir Johne of Cokburn of Burntoun, knycht, Schir Johne of Atheray, thesaurare of Dumblane, Schir Alexander of Crawfurde, vicare of Disert, William of Pordouyne of Buchadrok, and David Boys of Disert, in maner, forme, and effect as eftir folowis; that is to say, that the saide partis has changit and cosyt, athir with vthir, thair landis vndirwrittin, in fe and in heritage for euir; that is to say, the said Johne of Wemys al and hale his landis of Ardergy, with the pertinentis, liand in the schireffdome of Perth, with the said Robert and Isabell of Glen, his spous, for al and hale thair parte of the landis of the Wemys-schire, with tenand and tenandry and vthir pertinentis, liand in the schireffdome of Fyfe; and ilkane of the said partis sal infeft vthir in the landis forsaidis with chartir and saysing, in fre cosyng, als sekirly and in dew forme as can be diuisit, or outhir of the said partis can or may mak vthiris, with claus of warandise as afferis: Prouisit neuirtheles that ilkane of the

said partis sal obserue and kepe the takkis that thai haue made of the landis forsaydis of before, and nane of the saide partis sal renew nor mak na lynthe na new takkis of the said landis, vtheris na wes made the day immediate gangand before the making of this indenture, but fraude or gyle. Atour, it is accordit that the said Johne of Wemys sal haue the landis of the said Wemys-schire pertening to Dauid Steuart of the Glowm and Cristiane of Glen, his spous, be assignacioun of the said Robert, for the termis that he has thaim in tak of the said Dauid and Cristiane, that is to say xi yheris fra the fest of Witsounday next folowing the date of thir presentez, in writ vndir the said Robertis sele: for the quhilkis landis the sayde Robert sal haue the said Johne of Wemys parte of the landis of Petkonochy and foure marcis worth of the landis of the Dron, with the pertinentis, the quhilkis now has in maling Johne of Balfoure inhabitant the said landis, be assignacioun of the said Johne of Wemys, in writ vndir his sele for al the said termez of alleuyn yheris allowit to the said Johne of Wemys twa marcis and a half yherly in Alexander Malvilis pensioun, for al the said Alexander Malvilis lyfe, the said twa marcis and a half retourand to the said Robert fra the deces of the said Alexander: To quhilkis al and sindry appoyntmentis and condicionez contenit in this said indenture lelily and treuly to be fulfillit, obseruit, and kepit, bath the saidis partis, the haly ewangelis twichit, has geuyn thaire bodely athis, al fraude and gyle, excepcioun and euyl ingene, remouit and excludit. In witnes of the quhilk thing, to the parte of this indentur remanent with the said Robert the sele of the said Johne of Wemis, and to the parte remanent with the said Johne the sele of the said Robert interchangeably ar to-put, day, yhere, and place befor writtin. And the said twa marcis and a half abowe writtin, that is to say, of Alexander Malvilis pensioun, to be allowit yherly of the foure marcis of the landis of Dron.

57. Obligation by Christian Ogilvie to Sir John Wemyss of that Ilk. 9th May 1463.

Be it maid kend tyll all men be thir present lettres, me, Cristian oft Ogiluy, douchter vmquhyll to Patrik Ogiluy off Ouchterhous, knycht, and schiraff of Forfar, til be oblist, and, be thir present lettres and the fath off my body, the haly ewangelist tuechitt, suorn, lelaly and treuly, oblis me, myn aeris, executouris, and assignayis, in als sekir styll and form off obligacion as can be diuisit, be law canone or ciuil, but ony excepcione, dilatory, declinatory, excusatory, or peremptory, til be proponit in the contrar be me or ony other in my name in ony tyme, befor quhatsumeuer iuge or iugis, spirituall or temporale, in iugment or wythtout, till an honorabyll man Johne off Wemys off that Ilk, knycht, his aeris, executouris, and assignays, that I sall obserue, kepe, and defend vnuexit, vnharmyt, vndistrobilit and vnscathit the said Johne off Wemys, his aeris, executouris, and assignais, off all chargis, clame, questione, persewt, persecutione, querall, accione, folowing, demande, or defending, canone or ciuil, spirituall or temporall, that I ma pretend, allege, or oppon agane the said Johne, his aeris, executouris, or assignais in ony tym, be me, or ony otheris in my name, haffand lauchfull power off me: And atour, gyff it sall happyne me, in ony tyme to cum, till distrobylle, wex, inquiet or infest the said Johne of Wemys, his aeris, executouris, or assignais, in contrar of this myn obligatione and aith, thane as now and now as thane, off my fre wyll, vnstrenyeit off ony persone, I renowns euir tilbe herd in iugment fornent all clame off rycht off ters, off land, state, propirte, possessione, euident, chartour, confirmacione, sesing, clame, questione, querall, accione, instrument, proces, protegoul, register, apellacione quhatsumeuir, befor quhatsumeuir iuge or iugis, spirituall or temporall, in iugement or wythout, and all other rychtis that I ma haff in or to the tuenti powndis worthi off land grantit to me for my lywetyme be the

said Johne, for the restitucione off my touchyr and assithtment tharoff, and tharto oblis me, myn aeris, executuris, and assignais, at the next Witsonday immediat folowande eftyr that the said Johne beis vexit, distroubilit, or inquiet be ony resone beforsaid contenit in this said wryt, be me or ony othir in my name, to releif, recompens, restor and reburne to the said Johne off Wemys, his aeris, executouris, or assignais, all and sindri the malis resauit be me or ony in my name, off the said tuenti powndis wortht off land grantit be the said Johne off Wemys to me in ony tyme bypassit; and all hurtis, scathis, expens and interess, that he or thai, be ony resone, has or ma sustene heirthrou be me or ony other in myn name; and tharto byndis, drawis, and oblisis all and sindry my landis, possessionis, rentis, and gudis, mouable and vnmouable, quhatsumeuir, tilbe distrenyheit, pundit, tane and away had, and at the wyll off the said Johne of Wemys, his aeris, executouris, and assignais, tilbe sald and analyt, but leiff of ony iuge, spirituall or temporall, be the stratast stile off obligacione that can be maid or diuisit be mannys wit; off the quhilk stille, I wyll that this my obligacione, but leiff of ony iugis, spirituall or temporall, beir in the selff the forss, the fourme and the effek, als weill as the said stille war insert in this my said obligacione, but fraude or gyll, or ony excepcione in the contrar, quhill off the said hurtis, scathis, expens, and interess be fullely assithit and satisfaccione, na remeid off law, ciuil na canone, tilbe proponit in the contrar, tilbe of waill: And mair atour, I oblis me, myn aeris, executouris, and assignais, till ratify and uppreff all wrytis and obligacione maid be Laurence Lord Oliphant and Walter Ogiluy off Oures, my procuratouris, to the said Johne of Wemys, his aeris, executouris, and assignais, and neuer till brek the said wrytis in ony tyme to cum. In the witnes off the quhilk thing, to thir my lettres, the seill of myn armys is to affixit at Sanctandrois, the nyne day off the moneth of May, the yer off God a thousand four hundreth, sixty and thre yheris.

58. SASINE of the lands of Methill in favour of JOHN OF WEMYSS of that Ilk, knight. 2d May 1465.

IN Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quadringentesimo sexagesimo quinto, mensis vero Maii die secunda, indiccione decima tercia, pontificatus sanctissimi in Christo patris ac domini nostri domini Pauli diuina prouidencia Pape secundi anno primo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis et inclitus vir Johannes de Wemys de eodem, miles, humiliter requisiuit Robertum Burne, marum regalitatis Sancti-andree presentem, quatenus michi ostenderet, presentaret ac traderet literas sibi datas per Gilbertum Kennedy, senescallum dicte regalitatis, pro execucione sui officii penes tradicionem saisine et possessionis terrarum de Methill cum pertinenciis dicto militi fiendam, vt easdem legere potuissem; et post lecturam dictarum literarum iuxta tenores earundem vellet dicto militi saisinam et possessionem hereditarias ex dictis terris de Methill cum pertinenciis conferre: Qui vero marus requisicioni prefati militis annuens et obtemperans, prout racioni et iusticie consonum erat et vt eundem ex officio decuit, dictas literas michi exhibuit, et easdem de verbo ad verbum perlegi: Et post dictarum literarum perlecturas, prefatus marus iuxta mandatum sibi literatorie directum, prefato militi de dictis terris et pertinenciis saisinam hereditariam contulit et donauit, ac eundem militem in actualem realem et corporalem possessionem dictarum terrarum cum pertinenciis, iuxta tenorem carte per reuerendum in Christo patrem ac dominum, dominum Jacobum Dei et apostolice sedis gracia episcopum Sanctiandree, dicto militi desuper confecte, idem marus autoritate et potestate quibus supra, per terre et lapidis tradicionem, ipso milite foras stante coram hostio manerii capitalis dictarum terrarum et imposterum ingrediente domum principalem dicti manerii ipso hostio super se clauso, vt moris

est, induxit et inuestiuit, saluo iure cuiuslibet: Tandem dictus miles michi supplicauit tenores dictarum literarum per me perlectarum infra seriem dicti instrumenti inserere, quarum tenores ad eius requisicionem inseri concessi. Quarum quidem literarum prime videlicet tenor sequitur in hec verba:—JACOBUS Dei et apostolice sedis gracia episcopus Sanctiandree, dilecto consanguineo nostro Gilberto Kennedy de Kirkmychell, senescallo nostro regalitatis Sanctiandree, et deputatis suis, salutem: Quia concessimus heredita[rie dil]ecto consanguineo nostro domino Johanni de Wemys de eodem, militi, filio et heredi nobilis domine Cristiane de Douglas sponse quondam Dauid de Wemys de eodem, patris dicti Johannis, terras de Methill cum pertinenciis, iacentes infra regalitatem dictam et vicecomitatum de Fyfe: Que quidem terre cum pertinenciis fuerunt dicte Cristiane matris dicti Johannis racione coniuncte infeodacionis; et quas eadem Cristiana, non vi aut metu ducta nec errore lapsa, set sua mera et spontanea voluntate, in manibus nostris tanquam in manibus domini superioris earundem, per suos procuratores ad hoc legitime constitutos sursum reddidit pureque simpliciter resignauit, prout in carta nostra dicto domino Johanni inde confecta plenius continetur: Vobis precipimus et mandamus quatenus dicto domino Johanni, vel suo certo actornato, latori presencium, saisinam dictarum terrarum de Methill cum pertinenciis, secundum tenorem dicte carte nostre quam inde habet iuste habere faciatis et sine dilacione; et hoc nullo modo omittatis. Datum sub nostro sigillo rotundo apud ciuitatem Sanctiandree, vicesimo quinto die mensis Aprilis, anno Domini millesimo quadringentesimo sexagesimo quinto, et nostre consecracionis anno vicesimo octauo. Et secunde litere tenor sic incipit:—Gilbert Kennedy of Kirkmychell, stewart of the regalite of Sanctandros, to Rob of Burn, mair of the samyn, greting. For alsmekle as I am chargit be a precept of my lord of Sanctandros to gife Schir Jhone of Wemys or his attournais lauchful heritabil state and possessioune of the landis of Methill with thare pertinence, liand within the

regalite of Sanctandros and the schirrefdome of Fyfe; heirfor I charge the, this my precept beand sene, yow pass withoute delay to the said landis of Methill, and thare gif heritabill state and possessioune at the chymmis of the said landis with thare pertinence to the said Schir Jhone of Wemys or his certane attornais berare of this precept, and efter the tenore of his charter maid thairupone, and safande ilk mannys richt; the quhilk to do I commit to the full power as I war in propir persoune: In the wytnes of the quhilk thing I haue set to myne emys signet Alexander Kennedy, schirref of Fyfe, the xxvi daye of Aprile. Super quibus omnibus et singulis supradictis prefatus miles a me notario publico infrascripto sibi fieri peciit vnum seu plura, publicum seu publica, instrumentum seu instrumenta. Acta fuerunt hec apud capitale messuagium dictarum terrarum cum pertinenciis de Methill, hora decima ante merediem, sub anno, mense, die, indiccione et pontificatu quibus supra: Testibus presentibus, Willelmo Dik, Gilberto Walcare, Dauid Hage, Waltero Kingorne, Jacobo Bisat, Johanne Cristesone, Johanne Haswall, Johanne Thomsone, et Johanne Mark et domino Willelmo Galle presbitero, testibus ad premissa vocatis specialiter et rogatis.

Et ego Duncanus Yhalulok in decretis bacallarius, presbiter Sanctiandree diocesis, publicus autoritate imperiali notarius, quia [*etc., in forma communi*].

59. Reversion by John Foulis, sub-prior of St. Andrews, and George Boys, sub-prior of Lindores, to John of Wemyss of that Ilk, of the lands of Methill. 5th May 1465.

Be it maid kend till all men be thir present letteres, vs dene Johne Foulys, supprior of the Cathedrale Kirk of Santandrowis and the conuent of that ilk of the ordir of Sant Augustyne wythin the dioce of Santandrowis, and dene Jorge Boys, supprior of the abbai of Lumdoris

and the conuent of that ilk of the ordir of Sant Benedic wythin the dioce of Santandrowis, coniuntly and seueraly, tilbe oblist, and wytht the licence and consent and assent of our lord the prior, for vs, the supprior and the conuent of the said Cathedrale kirk, and wytht the licence and the consent and the assent of our lord the abbot for vs, the supprior and the conuent of the said abbai of Lumdoris, be the tenor of thir present letteres and be the faithis in our bodeis, oblis vs and our successouris, supprioris and conuentis of the said placis, conunctly and seueraly, till ane honorable man Johne of Wemys of that Ilk, knycht, and his airis and his assignais, that quhat tym the said knycht, his ayris or his assignais, payis till vs, the supprior and conuent of the said Cathedrale kirk, and till vs the saidis supprior and conuent of the said abbai, or til our successouris, supprioris and conuentis of the saidis placis, the sowme of sewyn hundretht markis of the vsuale mone of Scotland tilgidder, apon a day betuex the sone rising and the ganging to of that ilk, apon Sant Catrine altare, wythtin the said Cathedrale kirk situate, be ewyn myd porcionys till ilk ane of vs, supprior and conuent, or our successouris forsaid, this sowme fornemmit tilbe diuidit and payit, that we and ilkane of vs, or our successouris forsaide quham sal happyn tilbe present in lywe, sal frely ourgif and resing in the lord bischop of Santandrowis handis, quhome sal happyn tilbe for the tym as ourlord till the landys of Mythill, wytht thar pertinens, liand wythtin the regalite of Santandrowis and wythin the schirrefdome of Fyffe, in fauor of the said knycht, his airis and his assignais, all rycht and clame, propirte and possession, that we or our successouris forsaide, or ony ane of vs, has or ma haf in tym to cum in or to all and sindri the said landis of Mythill, wytht thar pertinens, togidder wytht charteris, letteres, euidentis and other writis til vs or ony of vs of the gift tharof, be quhatsumeuer person maid, sua that nor we nor our successouris, nor ane of vs, ma ask or clame ony rycht or titill of rycht in or to the said landis, or ony part tharof, bot frathinfurtht that we and ilk ane of vs

and our successouris forsaid mot be excludit fra all rycht and titill of rycht, propirte and possession, of the said landis for euermare: And sua be that we or our successouris forsaid be warnit be the said knycht, his airis or his assignais, to the resait of the said sowm and ourgiffyn of the said landis wytht thar pertinens apon a Sondai, wytht the solemnite of the hee mes don in the said Cathedrale kirk, the quhilk Sondai sal precede the dai of the resait of the said sowme and ourgiffin of the said landis fourti dayis, and gif it sal happyn vs or our successouris forsaid, or ony a parti of ws, fraudfully till absent vs fra the resait of the sowm till vs pertening and the ouregiffin of the landis rycht sua till vs pertening, warning beand maid eftir maner forsaid, we grant for vs and oure successouris, and ilk ane of vs, till the said knycht, his airis and his assignais, fre ingres in to the said landis wytht thar pertinens, in als fere as pertenis til ony of vs or oure successouris, the quhilk absentis vs fra the resait of our sowme and ourgiffin of our part of the said landis, and thaim pesably till iois and bruk, quhill we or oure successouris, or ony of vs quhilk absentis vs in maner as said is, cum mekly to the resait of the sowm and ourgiffin of the landis till vs or ony ane of vs or our successouris, or ony ane of thaim pertenande, all fraud and gile secludit. In the witnes of the quhilk thing to thir oure letteres our comon seelys of oure cheptouris ar to-hung, wytht al our consentis, at the saidis kirkis cathedrale and abbai of Lumdoris, the fift day of the monetht of May, the yere of God a thousand four hundretht sexti and fywe yeris.

60. Charter by James, Bishop of St. Andrews, to the Prior and Convent of St. Andrews, of the half of Methill. 6th May 1465.

Omnibus hanc cartam visuris vel audituris, Jacobus Dei et apostolice sedis gracia episcopus Sanctiandree, salutem in Domino sempiternam.

Noueritis nos de communi consensu et assensu capituli nostri, prioris et conuentus ecclesie cathedralis Sancti Andree, vtilitate ecclesie nostre antedicte vndique pensata, dedisse, concessisse et hac presenti carta nostra confirmasse dilectis oratoribus nostris, suppriori et conuentui dicte ecclesie nostre cathedralis, totam et integram dimediam partem omnium et singularum terrarum de Methill cum pertinenciis, terris de Purny et Soitourland cum pertinenciis exceptis, iacentium in regalitate nostra Sanctiandree et infra vicecomitatum de Fyfe; que fuit honorabilis viri Johannis Wemys de eodem militis hereditarie, et quam dictus miles, non vi aut metu ductus nec errore lapsus, aut dolo seu fraude circumventus, sed mera et spontanea sua voluntate, per fustem et baculum per suum procuratorem ad hoc legittime constitutum, vt nobis innotuit per suas literas patentes ad hoc specialiter factas, in manibus nostris tanquam domini superioris eiusdem sursum reddidit, pureque simpliciter resignauit, pro vna missa per vnum canonicorum conuentus supradicti ad altare Sancte Marie infra dictam ecclesiam situatum, post missam dominicalem inter eandem et missam capitularem, quotidie pro perpetuo celebranda pro salute anime nostre, necnon pro salute anime matris nostre Mariote: Tenendam et habendam dictam dimediam partem terrarum predictarum de Methill cum pertinenciis, terris de Purny et Soitourland cum pertinenciis exceptis prius exceptis, prefatis suppriori et conuentui, eorumque successoribus supprioribus et conuentibus canonicis dicte ecclesie, per omnes suas rectas metas antiquas et diuisas, in feodo et hereditate in perpetuum, in boscis, viis, semitis, planis, aquis, stagnis, riuulis, pratis, pascuis, pasturis, molendinis, multuris et eorum sequelis, in aucupacionibus, venacionibus, piscariis, turbariis, petariis, carbonariis, lapidicinis, brasinis, fabrilibus, columbariis, brueriis, siluis, virgultis et genestis, cum curiis et earum exitibus, herieldis et mulierum merchaetis, cum libero introitu et exitu ac cum communi pastura, necnon cum omnibus aliis et singulis commoditatibus, libertatibus et asiamentis

ac iustis suis pertinenciis quibuscunque, tam subtus terra quam supra terram, tam prope quam procul, tam non nominatis quam nominatis, ad dictam dimediam partem terrarum de Methill cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, exceptis prius exceptis, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut dictus miles aut aliquis predecessorum suorum prefatam dimediam partem terrarum de Methill cum pertinenciis, exceptis prius exceptis, liberius, quiecius, plenarius, integrius, honorificencius, melius et pacificencius ante resignacionem dicte dimedie partis terrarum cum pertinenciis in manibus nostris factam, tenuit seu possedit, seu aliquis predecessorum eiusdem militis tenuit aut possedit: Soluendo verum etiamque reddendo inde annuatim domini supprior et conuentus antedicti eorumque successores, suppriores et conuentus canonici dicte ecclesie, nobis et successoribus nostris, episcopis Sancti Andree, tanquam dominis superioribus dicte dimidie partis terrarum cum pertinenciis, canatum necnon seruicia exinde prius debita et consueta tantum, pro omni alio onere, seruicio seculari, exaccione seu demanda, que de dicta dimedia parte terrarum cum pertinenciis per nos aut successores nostros exigi poterunt vel requiri seu aliqualiter demandari: Et nos vero Jacobus episcopus antedictus et successores nostri episcopi ecclesie antedicte dictam dimidiam partem terrarum de Methill cum pertinenciis, exceptis prius exceptis, prefatis suppriori et conuentui, eorumque successoribus, supprioribus et conuentibus canonicis dicte ecclesie, in omnibus et per omnia, vt premissum est, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium huic presenti carte nostre sigillum nostrum autenticum, vnacum sigillo communi capituli nostri antedicti, est appensum, apud Sanctumandream, die sexto mensis Maii, anno Domini millesimo quadringentesimo sexagesimo quinto, et consecracionis anno vicesimo octauo; presentibus, venerabilibus et discretis viris, videlicet, magistro Georgeo

de Abyrnethy, ecclesie collegiate de Dunbartane preposito, Alexandro Kennedy de Vrwell, domino Johanne Thome rectore de Inueraride, nostro camerario, magistris Roberto Menteth, Andrea Murisone et Johanne Portativis, cum multis aliis.

61. Charter by King James the Third to John of Wemyss, heir-apparent of Sir John of Wemyss of that Ilk, of the lands of Wardropston and others. 25th July 1468.

Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto nostro Johanni de Wemys, filio et heredi apparenti dilecti nostri Johannis de Wemis de eodem, militis, totas et integras terras de Wardropstoune cum piscaria earundem cum pertinenciis, iacentes infra vicecomitatum nostrum de Kincardin; terras de Balhawile cum pertinenciis, iacentes infra vicecomitatum nostrum de Forfare; terciam partem terrarum de Strathardill, terras de Inchmartin, Petmyddil et Kynnarde cum pertinenciis, sextam partem terrarum de Elchok, sextam partem terrarum de Balhabrame cum pertinenciis, iacentes infra vicecomitatum nostrum de Perth; necnon dimidietatem cum dimidio dimidietatis terrarum de Drone et terrarum de Wemis cum pertinenciis, iacentium infra vicecomitatum nostrum de Fiff; necnon terras dimidietatis de Elchok, dimidietatis de Balhabram, dimidietatis de Ardargy cum pertinenciis, iacentes infra dictum vicecomitatum de Perth; et quartam partem terrarum de Drone ac omnium et singularum terrarum de Tulibrek, Litillone, Cammeroune Mylne, le Halch Wemys, Tarvate et Petcomoquhy cum pertinenciis, iacentium infra dictum vicecomitatum de Fiff: Quequidem terre de Wardropstoun cum piscaria earundem, Balhawile, Strathardil, Inchmartin, Petmyddil, Kynnarde, le Drone, Elchok, Balhabram, et de Wemis cum pertinenciis

fuerunt dicti Johannis patris hereditarie; et que terre de Elchok ac dimidietates terrarum de Balhabrame et Ardargy et quarta pars terrarum de le Drone, Tulibrek, Litil Lone, Camron Mylne, le Halch de Wemis, Tarvate et Petcomochquhy cum pertinenciis fuerunt dilecte nostre Mergarete de Levingstoune, filie quondam Roberti de Levingstoune de Drumry, militis, et nunc sponse dicti Johannis de Wemys, militis, hereditarie; et quas omnes et singulas terras predictas cum pertinenciis dicti Johannes de Wemys et Mergareta de Levingstoune, sponsa sua, non vi aut metu ducti, nec errore lapsi, set suis meris et spontaneis voluntatibus, in manus nostras apud Edinburgh coram subscriptis testibus personaliter per fustem et baculum sursum reddiderunt, pureque simpliciter resignarunt, ac totum ius et clameum que in dictis terris cum pertinenciis habuerunt seu habere potuerunt, pro se et heredibus suis omnino quittumclamarunt imperpetuum: Tenendas et habendas omnes et singulas prenominatas terras cum pertinenciis dicto Johanni de Wemys iuniori, et heredibus suis, de nobis, heredibus et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, merresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapicidiis, lapide et calce, fabrilibus, bracinis, brueriis et genestis, cum curiis et earum exitibus, herizeldis, bludewitis et merchetis mulierum, ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, ad dictas terras cum pertinenciis spectantibus seu quouismodo iuste spectare valentibus in futurum; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dicti Johannes de Wemys de eodem, miles, et Mergareta de Levingstoune, sponsa sua, aut eorum seu alterius eorundem predicessores dictas terras cum pertinenciis de nobis aut

predicessoribus nostris ante dictam resignacionem nobis inde factam liberius tenuerunt seu possederunt: Faciendo inde annuatim dictus Johannes de Wemys iunior et heredes sui, nobis, heredibus et successoribus nostris, iura et seruicia de dictis terris debita et consueta: Reseruato tamen libero tenemento dictarum terrarum de Wardropstoun cum piscaria earundem, Balhawile, Strathardill, Inchmartin, Petmyddil, Kynnarde, Wemys, Elchok, Balhabrame, Ardargy, Drone, Tulibrek, Litil Lone, Cammeroune Mylne, le Halch Wemys, Tarvate, et Petcomoquhy cum pertinenciis, dicto Johanni de Wemys patri pro toto tempore vite sue: Et si contingat prefatam Mergaretam de Levingstoune, sponsam dicti Johannis de Wemys de eodem, militis, patris dicti Johannis iunioris, viuere post mortem dicti Johannis senioris, sponsi sui, volumus et presentis carte nostre tenore reseruamus plenarie et integre dicte Mergarete de Levingstoune liberum tenementum dictarum terrarum de Elchok, Balhabrame, Ardargy, Drone, Tulibrek, Litil Lone, Cammeroun Mylne, Halch Wemis, Tarvate et Petcomochquhy cum pertinenciis, pro toto tempore vite eiusdem Mergarete sine obstaculo quocunque. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus reuerendis in Christo patribus, Andrea episcopo Glasguensi, Thoma episcopo Aberdonensi, dilectis consanguineis nostris Andrea domino Avandale, cancellario nostro, Colino comite de Ergile domino Cambel, magistro hospicii nostri, Roberto domino Boide, magno camerario nostro, magistris Jacobo Lindesay preposito de Lincloudane, nostri secreti sigilli custode, Dauid de Guthre de eodem, Archibaldo de Quhitelau decano de Dunbar, secretario nostro, et Adam Wallace de Crago nostrorum compotorum rotulatore; apud Edinburgh, vicesimo quinto die mensis Julii, anno Domini millesimo quadringentesimo sexagesimo octauo, et regni nostri octauo.

62. CHARGE by KING JAMES THE THIRD to the ABBOT OF LINDORES not to occupy the lands of Methil. *Inter* 1465-1484.

REX.

VENERABLE faider in God, we grete you weile. Oure wil is, ande we charge you stratli and commaundis that ye occupy na ferare of the landis of Mythill, bot in sa fer as ye ar charterit of, and that ye intromit tharwith na ferare na ye aw to do of law, as ye will ansuere to ws tharuppoun, and vnder the charge that eftir may folou: Deliuering thir oure lettres be you sene and vnderstandyn again to the berare. Gevin vnder oure sygnet at Edinburgh, the v day of October, and of oure regne

Venerabili in Christo patri abbati monasterii nostri de Lundoris, etc.

63. INSTRUMENT regarding the non-payment of the redemption money of Methill by SIR JOHN OF WEMYSS of that Ilk, knight, to the Sub-prior of St. Andrews. 26th April 1470.

IN Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab incarnacione Domini secundum cursum et computacionem ecclesie Scoticane millesimo quadringentesimo septuagesimo, die xxvj° mensis Aprilis, indictione tercia, pontificatus sanctissimi in Christo patris et domini, domini nostri domini Pauli diuina prouidencia Pape secundi anno sexto, in mei notarii publici et testium subscriptorum [presenciis] personaliter constitutus venerabilis et religiosus vir, frater Alexander Scrimgeoure, supprior ecclesie cathedralis Sancti-andree, de speciali mandato et precepto venerabilis in Christo patris ac domini Willelmi permissione diuina prioris ecclesie cathedralis antedicte, et eiusdem loci conuentus, de cuius mandato michi notario publico infrascripto luculenter constabat, accessit ad altare Beate Katerine Virginis infra dictam ecclesiam cathedralem situatum, per honorabilem

virum dominum Johannem de Wemys de eodem, militem, vocatus et premunitus, ad recipiendum certam summam pecunie pro redempcione terrarum de Methyll cum pertinenciis dictis suppriori et conuentui spectantium, et ad pure et simpliciter omne ius et clameum que uel quod dicti domini supprior et conuentus habent, habuerunt seu habere poterunt in futurum in et ad dictas terras, sursum reddendum et resignandum; cum vniuersis et singulis cartis, instrumentis, literis, euidenciis, per ipsum Johannem dictis dominis suppriori et conuentui desuper confectis, iuxta tenorem litere reuersionis sue: Qui dominus supprior pro dictis priore et conuentu iuxta mandatum et potestatem sibi traditam obtulit se ibidem promptum et paratum ad recipiendum huiusmodi summam pro redempcione dictarum terrarum de Methill, iuxta tenorem, seriem et effectum litere reuersionis desuper confecte; necnon ad reddendum et deliberandum dicto militi omnes cartas, vniuersa scripta et documenta que super huiusmodi habuerunt, et ad perimplendum omnia et singula in eadem litera reuersionis contenta: Et quia nullam pecuniam seu summam in auro aut argento ibidem numeratam super dicto altari vidit aut percepit, protestatus fuit dictus dominus supprior solempniter nomine quo supra, quod quicquid dictus dominus Johannes ibidem diceret, ageret seu faceret quoad redempcionem et regressum in et ad dictas terras cum pertinenciis, non cederet seu vergeret in preiudicium seu dampnum dictis dominis suppriori et conuentui, ob defectum solucionis, numeracionis et ostensionis dicte summe temporibus futuris quibuscunque. Super quibus omnibus et singulis prefatus supprior a me notario publico infrascripto fieri peciit presens publicum instrumentum seu publica instrumenta: Acta fuerunt hec die, mense, loco, indiccione et pontificatu quibus supra, hora secunda post merediem; presentibus ibidem venerabilibus et circumspectis viris, videlicet, magistris Johanne Lok, rectore Vniuersitatis Sanctiandree, Waltero Stewart archidiacono Sanctiandree, Thoma Logy canonico ecclesie collegiate Sancti Saluatoris, Willelmo Fratour, canonico

Abberdonensi, et magistro Willelmo Ricardi, notario publico, cum diuersis aliis testibus ad premissa specialiter vocatis et requisitis.

Et ego Jacobus de Doless, presbiter Sanctiandree diocesis, publicus autoritatibus imperiali et regali notarius [*etc.*].

64. Instrument regarding proceedings respecting the wadset of the half of Methill to the Prior and Convent of St. Andrews. 8th June 1470.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quadringentesimo septuagesimo, mensis uero Junii die octauo, indiccione tercia, pontificatus sanctissimi in Christo patris ac domini nostri domini Pauli diuina prouidencia Pape secundi anno sexto: In venerabilis et circumspectique ac magne sciencie viri, domini Dauid Kay decretorum doctoris ac officialis Sanctiandree principalis, meique notarii publici et testium subscriptorum presenciis, in quadam causa concernente terras de Methill cum pertinenciis, iacentes in regalitate Sanctiandree et infra vicecomitatum de Fiff, per honorabilem virum Johannem Wemis de eodem, militem, actorem ab vna, contra et aduersus venerabiles et religiosos viros, suppriorem et conuentum ecclesie Cathedralis Sanctiandree, reos partibus ab altera, coram dicto domino officiali iudicialiter ventulata, tanquam in termino ad respondendum cuidam cedule interrogacionis in scriptis redacte et porrecte per dictum militem prefatis suppriori et conuentui per dictum dominum officialem assignato et limitato: Comparens in iudicio dominus Robertus Diksone, presbiter, procurator et procuratorio nomine dicti militis, peciit a venerabili et religioso viro Fratre Alexandro Skrymgeour, suppriore dicti monasterii, et a magistro Alexandro Schewes, sindico eiusdem, ibidem presentibus, suam responsionem ad interrogacionem in scriptis per dictum militem eis datam et deliberatam dari; qui sindicus responsionem dictorum

supprioris et conuentus in scriptis porrexit, cuius copiam dictus dominus Robertus procuratorio nomine quo supra a prefato domino officiali instanter postulauit; qui dictus dominus officialis copiam eiusdem dicto procuratori dari decreuit: Tandem prefatus procurator cum instancia me requisiuit tenores dictarum cedularum responsionis et interrogacionis in presenti instrumento inserere; cui requisicioni racioni consone annuens et obtemperans acquieui. Cuiusquidem cedule interrogacionis tenor sequitur in hec uerba:—I, Johnne of Wemis of that Ilk, knicht, askis at you, supprior ande conwent of the Cathederaile kirk of Sanctandrois, quhethire ye deny or grawntis the entres and possessione of the wedset of the half of the landis of Mythill, with thar pertinence, liande in regalite of Sanctandrois, and within the schireffdome of Fiff, ande quethire ye graunt the occupacione of the saide landis, ande the resaite of the froytis and proffetis tharof in ony tymys passit, the quhilk wedset, be law of oure modir haly kirk, is werre cryme of okire, as is oppinly knawin til al the membris of haly kirk. Et cedule responsionis in hec uerba subsequitur:—Coram vobis venerabili et circumspecto viro domino Dauid Kay, decretorum doctore, thesaurario Dunblanensi ac officiali Sanctiandree principali, alio ve iudice in hac parte competente quocunque, pars venerabilium et religiosorum virorum, supprioris et conuentus ecclesie Cathedralis Sanctiandree, interrogacioni nobilis viri domini Johannis Wemis de eodem, militis, iudicialiter facte: Quoad primam partem eiusdem qua queritur. Vtrum supprior et conuentus predicti negant aut fatentur introitum et possessionem inpigneracionis dimedietatis terrarum de Mythil cum pertinenciis, iacencium infra regalitatem Sanctiandree et vicecomitatum de Fiff, respondet quod prefati supprior et conuentus nunquam habuerunt nec receperunt aliquam possessionem inpigneracionis dimedietatis terrarum predictarum: Et quoad secundam partem dicte interrogacionis prefati militis qua queritur, Vtrum supprior et conuentus predicti fatentur occupacionem dictarum terrarum et receptionem fructuum

et prouentuum earundem aliquibus temporibus retroactis? Respondet, non: Et vbi in eadem interrogacione subiungitur quequidem inpingneracio de iure sancte matris ecclesie est verum crimen vsure, et ad hoc respondet pars dictorum supprioris et conuentus quod de terris predictis prefati supprior et conuentus nullum denarium siue denariatum receperunt, et sic in hoc facto nullo modo vsuram aliquam commiserunt; et ita crimen eiusdem eis imponi non debet. Super quibus omnibus et singulis prefatus dominus Robertus, procurator et procuratorio nomine dicti militis, a me notario publico subscripto sibi fieri peciit, vnum seu plura, publicum seu publica, instrumentum seu instrumenta. Acta erant hec in ecclesia Beati Leonardi infra ciuitatem Sanctiandree, hora decima uel eocirca ante merediem, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus honorabilibus venerabilibusque et circumspectis viris, magistris et dominis, videlicet, Johanne Wemis, filio et apparente herede Thome Wemis de Reres, militis, Roberto Lewingstone, armigeris, Dauid Ramsay in decretis licenciato, Johanne Athilmewe in decretis bacallario ac vicario de Menmer, Roberto Reide in artibus magistro ac notario publico, Jacobo Dolas et Dauid Diksone, presbiteris, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Duncanus Yhalulok, presbiter Sanctiandree diocesis, publicus autoritate imperiali notarius, quia [*etc., in forma communi*].

65. Contract for the marriage of Andrew Kinninmont of that Ilk to Agnes, daughter of John Wemyss of Strathardill. 13th April 1482.

Thir Endentouris, maid at the Vemys, the xiii day of Aperill, the yer of God m. cccc. auchty and thua yeris, proportis and beris vitnes, that it is fullely appoyntit and concordit betuix honorabill men, that is till say, Johnne of Vemys of that Ilk, knycht, and Johnne of Vemys of

Strathardill, sonne and apperand ayr til the said Johnne, knycht, on the ane part, and Androw of Kynnynmonde, apperand ayr of that ilk, on the vther part; that is to say, that the said Androw, Gode villing, sal haf in maryage Agnes of Vemys, dochter to the said Johnne of Strathardell; the quhilk maryage salbe completit wythin fourty days eftir the dispensacione be schawyn to the said Androw, he beand requirit tharto: For the quhilk maryage the said Johnne and Johnne salbe oblist, in the strathast forme of obligacione that can be devysit, to pay the said Androw, his ayris, executuris, or assignais, sax hundreth merkis of the vsuell monee of Scotlande, in maner and forme as eftir followis; that is to say, ane hundreth merkis furthwyth, in hande, and fyfty merkis at the next vsuell terme of the yer eftir and immediat at the said mariage be completit betuix the said Androw and Agnes; and vther fyfty merkis at the next vsuel terme thaireftir following, and sua furth, fyfty merkis, terme in terme, and yer in yeris, ay and quhill the sax hundreth merkis be fullely assith and payt til the said Androw, his ayris, executuris or assignais, as said is, but langer delay, fraude, or gill: Ande atour, it is appoyntit and acordit that the said dispensacione salbe rasit and brocht haym on the expens ande cost of the said Johnne, knycht, and Johnne, in al possebill hast: Alsua, it is appontit that the said Johnne and Johnne sal sustene in honest houshalde, as efferis, the said Androw and Agnes, his spous, witht thair barnys, gif God sendis thaim ony that tym, with nwrys and famuliaris, as efferis, for the terme of thua yeris next eftir the completing of the said mariage; and at al thir condicionis and appoyntmentis lelely and treuly salbe kepit, bath the said partyis ar oblist and suorne be the faithis in thair bodeis: And for the mair sikkyrnes, to the part of this endentour ramanande with the said Johnne and Johnne, the sel of the said Androw is affixit; and to the part ramanande with the said Androw, the sellis of the said Johnne and Johnne ar to affixt, yer, day, moneth, and place befor vrityn.

66. INSTRUMENT on the proclamation of a dispensation for marriage between ANDREW OF KINNINMONT of that Ilk and AGNES, daughter of John Wemyss of Strathardyll. 4th June 1482.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum, quod anno incarnacionis Dominice millesimo quadringentesimo octuagesimo secundo, mensis Junii die quarto, et eiusdem diei hora quasi tercia ante merediem, indiccione decima quinta, pontificatus sanctissimi in Christo patris ac domini nostri domini Sixti diuina prouidencia Pape quarti anno vndecimo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, Johannes Wemis de Strathardyll, filius ac heres Johannis Wemys de eodem, militis, in presencia multorum fide-dignorum, ante ostium ecclesie parochialis de Kyrk Wemys, fecit perlegi ac publicari quamdam dispensacionem prefati domini nostri Sixti reuerendo in Christo patri Andree miseracione diuina episcopo Orkadensi, sibi graciose concessam, pro numero quinquaginta personarum in certis gradibus consanguinitatis et affinitatis sibi attingentium, ut matrimonialiter possint inde copulari, predictis gradibus consanguinitatis et affinitatis non obstantibus: Cuius vigore et facultate idem reuerendus in Christo pater, episcopus Orkadensis, cum Andrea de Kynnynmunt de eodem et Aguete Wemys, filia Johannis Wemis de Strathardyll, sibi in quarto et quarto gradibus consanguinitatis sibi attingente actu dispensauit, sicut clare patuit in litera dispensacionis desuper confecta; de quibus publicacione et lectura predicte litere supradictus Johannes a me notario publico subscripto sibi fieri peciit instrumentum publicum. Acta fuerunt hec infra ostium dicte ecclesie, sub anno, mense, die, hora, indictione et pontificatu quibus su[pra]; presentibus ibidem circumspectis viris, videlicet, magistro Michaele de Lewynstown vicario de Wemys, Johanne Traill de Blabwrne, Dauid

Wemys de Lothokyr, Roberto Lewynstown, Johanne Wemys, Henrico Maillwyne, Michaele de Wemys et Alexandro Myrtown cum diuersis aliis testibus ad premissa vocatis specialiter et electis.

Et ego Alexander Turnbull, clericus Sancti Andree diocesis, publicus autoritatibus imperiali et regali notarius [*etc.*].

67. Premonition to William Carmichell and William Coupar, sub-priors of St. Andrews and Lindores, to receive the redemption money of Methill. 21st March 1484.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno a natiuitate Domini millesimo quadringentesimo octuagesimo quarto, mensis vero Marcii die vicesimo primo, indictione secunda, pontificatus sanctissimi in Christo patris et domini nostri domini Sixti diuina prouidencia Pape quarti anno decimo tercio, in mei notarii publici et testium subscriptorum presencia personaliter constitutus venerabilis vir, magister Thomas Tod, procurator honorabilis viri domini Johannis Wemys de eodem, militis, de cuius procuracionis mandato michi notario lucide constabat documento quodquidem procuratorium eiusdem Johannis michi tanquam persone publice presentauit, et huiusmodi de verbo ad verbum ex mandato dicti magistri Thome alta et intelligibili voce in polpito Cathedralis ecclesie Sanctiandree tempore magne misse Dominica die perlegi; et post lecturam eiusdem idem procurator virtute huiusmodi mandati premuniuit dominos Willelmum Carmichell et Willelmum Coupar, monasteriorum Sanctiandree et Lundoris suppriores, et conuentus eorundem, ac omnes alios et singulos interesse habentes, ad comparendum in ecclesia Cathedrali Sanctiandree apud altare Sancte Katrine virginis in eadem situatum, ex premunitione quadraginta dierum, ad recipiendum summam septinginta marcarum vsualis monete regni Scocie, pro redemptione et relaxatione ac sursum datione terrarum de Methill cum pertinenciis, vnacum cartis, literis,

munimentis et instrumentis desuper factis dicto domino de Wemys aut procuratori suo, secundum tenorem reuersionis desuper habite et facte: Protestando quod siue in dicte premunitionis terminis comparere curauerint siue non comparuerint, quod idem dominus de Wemys, heredes sui et assignati, habeant lib[e]rum ingressum in et ad dictas terras cum pertinenciis secundum tenorem reuersionis, sicut ante alienacionem habuerunt, non obstantibus literis alienacionis desuper per quoscunque habitis; cum ceteris protestacionibus solitis et consuetis. Super quibus omnibus et singulis prefatus procurator a me notario publico subscripto sibi fieri peciit vnum seu plura, publicum seu publica, instrumentum seu instrumenta: Acta erant hec in ecclesia Cathedrali antedicta, hora decima ante merediem, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem honorabilibus et discretis viris, Dauid Monipenny de Kynkell, Dauid Monipenny eius filio, magistro Hugone Spens, Petro Monipenny, Archibaldo Auchinlek et magistro Nicholaio Gudlaid, cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Willelmus Dowy, presbiter Sanctiandree diocesis, publicus imperiali et regali auctoritatibus notarius, quia premissis [*etc., in forma communi*].

68. Instrument of Redemption of the lands of Methill. 30th April 1484.

In nomine Domini amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno a natiuitate Domini millesimo quadringentesimo octuagesimo quarto, mensis vero Aprilis die vltima, indiccione secunda, pontificatus sanctissimi in Cristo patris ac domini nostri domini Sixti diuina prouidencia Pape quarti anno decimo tercio, in mei notarii publici et testium subscriptorum presencia personaliter constituti venerabiles et circumspecti viri, magistri Johannes Listoune sacre theologie professor, ecclesie collegiate Sancti Saluatoris infra

ciuitatem Sanctiandree prepositus, Henricus Were et Hugo Spens dicti collegii canonici, dominus Johannes Thomsone, rector de Inueraride, executor testamenti et bonorum quondam bone memorie Jacobi Kennady, episcopi Sanctiandree, magister Jacobus Quhite et dominus Dauid Hargat, capellani dicte ecclesie collegiate, dominus Andreas Wyntone, supprior monasterii de Lundoris et procurator conuentus eiusdem, et Gilbertus Kennady de Kirkmychel, procurator monasterii Sanctiandree et eiusdem loci conuentus, de quorum procuracionum mandatis liquide constabat documentis, vnanimi consensu et assensu, sponte, libere et ex sua certa scientia dixerunt et expresse ac publice fatebantur se habuisse et recepisse a nobili viro, Johanne Wemys de eodem, milite, summam et quantitatem pecunie septingintarum mercarum bone et legalis monete regni Scocie, pretextu redemptionis terrarum de Mythikil cum pertinenciis, iacentium infra regalitatem Sanctiandree et vicecomitatum de Fif, alias dictis monasteriis alienatarum, et deinde collegio et capellanis antedictis translatarum, iuxta et secundum tenorem litere reuersionis huiusmodi monasteriorum eidem militi facte: Et propterea eundem militem, heredes suos, executores et assignatos, omnes et singule dicte persone communiter et diuisim de huiusmodi summa quietumclamarunt et exonerarunt, pro se, heredibus, successoribus et assignatis imperpetuum; necnon huiusmodi terras de Mythikil cum pertinenciis statim et incontinenti per fustem et baculum sursum reddiderunt, ac eidem domino de Wemys ibidem presenti pure et simpliciter resignarunt, ac omni iuri, titulo, proprietati et possessioni earundem penitus et omnino renunciarunt, et se de eisdem denudarunt, cartasque et literas nonnullas facto et realiter sibi militi tradiderunt; ac illas ibidem traditas et alias quascunque et sub quocunque tenore huiusmodi terras quoquomodo principaliter vel incidentaliter concernentes cassarunt, reuocarunt, frustrati sunt, et annullarunt, et pro cassatis, annullatis ac infectis et nullius roboris vel momenti habere fide media promiserunt; et desuper pactum non repe-

tendi solenniter fecerunt sine quacunque contradictione aut reuocatione in futurum: Et nichilominus vt premissa omnia et singula debitum sorciantur effectum, ac ipse miles et sui heredes liberum et perpetuum regressum ad huiusmodi terras habeant, et in statum pristinum quemadmodum ante alienacionem earundem extiterant simpliciter reducantur, et reuertantur, prefati domini prepositus, canonici, capellani, executor, Andreas supprior et Gilbertus, procuratores antedicti, omnibus melioribus modo, via, forma, iure et causa quibus melius et efficacius potuerunt et debuerunt, fecerunt, constituerunt et ordinarunt nobiles viros Archbaldum Foster de Corstorphyne, Robertum Logane de Lestalryg, Johannem Wemys de Reras, Thomam Multray de Markinche, Gilbertum Foster, Jacobum Foster, Jacobum Malvil, magistrumque Willelmum Achinlek, rectorem de Conuetht, Simonem Logane, Walterum Haliburton, Dauid Haliburtone, et dominum Dauid Hargat capellanum, coniunctim et diuisim, suos veros legitimos et indubitatos procuratores, actores, factores, negociorumque suorum gestores ac nuncios speciales et generales; dantes et concedentes dictis suis procuratoribus ac cuilibet eorum insolidum suam liberam plenariamque potestatem ac mandatum speciale pro se et nominibus suis omnes et singulas predictas terras de Mythikil cum pertinenciis in manibus reuerendissimi in Cristo patris ac domini, domini Willelmi miseracione diuina archiepiscopi Sanctiandree, tamquam domini superioris earundem, per fustem et baculum sursum reddendi ac pure et simpliciter resignandi; ipsisque terris cum pertinenciis, iuri, titulo, proprietati et possessioni earum renunciandi; ac expresse consenciendi quod huiusmodi terre cum pertinenciis libere reuertantur ad dictum dominum Johannem Wemys, militem, et in statum pristinum sibi reducantur et reuertantur, sicuti fuerant ante earum alienacionem per ipsum militem de eisdem factam; pactumque de non repetendo faciendi, ac iuramentum quodcunque in animas suas et cuiuslibet earum prestandi; ceteraque omnia alia et singula faciendi, gerendi et exercendi, que in premissis et circa ea necessaria fuerint seu oportuna:

Promiserunt insuper dicti domini constituentes michi notario publico, stipulantes se ratum, gratum, firmum atque stabile pro perpetuo habituros id totum et quicquid per dictos suos procuratores, plures aut vnum, actum, factum ve gestum fuerit in premissis seu premissorum aliquo, sub ypotheca et obligacione omnium bonorum suorum presentium et futurorum: Super quibus omnibus et singulis prefati domini constituentes a me notario publico subscripto sibi fieri pecierunt vnum seu plura, publicum seu publica, instrumentum seu instrumenta. Acta erant hec in ecclesia Cathedrali Sanctiandree, hora decima ante merediem, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem, venerabilibus viris, magistris Roberto Keitht, rectore de Kennettillis, Michale Wemys vicario de Wemys, Henrico Carmychel canonico Aberdonensi, Roberto Balmannowcht, Johanne Wemys de Strathurd, Jacobo Bonare de Rosse, Dauid Maluil et Jacobo Maluil, testibus ad premissa vocatis pariter et rogatis.

Et ego Johannes Bonar, presbiter Sanctiandree diocesis, publicus imperiali et regali autoritatibus notarius, premissis [*etc., in forma communi*].

69. Procuratory by Andrew Wynton, sub-prior of Lindores, for resigning the lands of Methill. 2d May 1484.

Vniuersis pateat per presentes, nos Andream Wynton, suppriorem monasterii de Lundoris ordinis Beati Benedicti, Sanctiandree diocesis, et conuentum eiusdem vnanimi consensu et assensu superioris nostri Andree abbatis ad hoc capitulariter congregatos, fecisse, constituisse et ordinasse, tenoreque presencium facere, constituere et irreuocabiliter ordinare honorabiles et venerabiles viros, Archbaldum Frostar de Corstorfyn, Robertum Logan de Lestalryk, Johannem Vemys de Reras, Jacobum Frostar, Thomam Multray de Markinch, David Vemys, magistrum Willelmum Achlek rectorem de Conueth, Gilbertum Frostar,

Simonem Logan, Valterum Haliburtone, Dauid Malwyn, Jacobum Malwyn et dominum Dauid Hardgat, nostros veros legitimos et indubitatos procuratores, actores, factores et negociorum nostrorum gestores ac nuncios speciales et generales: Dantes et concedentes dictis nostris procuratoribus et eorum cuilibet insolidum nostram liberam plenariamque potestatem ac mandatum speciale, pro nobis et nominibus nostris, omnes et singulas terras de Mythill cum pertinenciis, iacentes infra regalitatem Sanctiandree et infra vicecomitatum de Fyffe, nobis pertinentes et spectantes, in manibus reuerendissimi in Christo patris ac domini domini Willelmi archiepiscopi Sanctiandree, tanquam domini superioris earundem, per fustem et baculum sursum reddendi ac pure et simpliciter resignandi; ac expresse consenciendi quod huiusmodi terre de Mythill cum pertinenciis ad nobilem dominum, Johannem Vemys de eodem, militem, in statum pristinum quemadmodum ante earundem terrarum alienacionem extiterant simpliciter reuertantur, vt illis postea pacifice gaudere valeat sine contradictione et obstaculo quibuscunque; necnon cartas, literas, euidentias, instrumenta et munimenta quecunque inde confecta nobis quoquomodo spectantia per quemcunque, ac omne ius et iuris titulum, proprietatem et possessionem earundem, a nobis et quolibet nostrum reuocandi et abdicandi, cassandi, annullandi et frustrandi, et ad vtilitatem et commodum dicti militis reducendi, iuramentumque quodcunque nomine nostro in premissis prestandi, ac pactum de non repetendo faciendi, pro eo quod idem miles condignam solucionem de summa trecentarum et quinquaginta mercarum, iuxta tenorem reuersionis nostre gratanter nobis fecit; ceteraque omnia alia et singula faciendi, gerendi et exercendi, que in premissis et circa ea necessaria fuerint seu quomodolibet opportuna: Ratum et gratum habentes et habituri totum et quicquid dicti nostri procuratores, aut eorum vnus, nomine nostro in premissis seu aliquo premissorum duxerit aut duxerint faciendum, sub ypotheca et obligatione omnium bonorum nostrorum, mobilium et immobilium, presencium et futurorum. In cuius rei testi-

monium sigillum commune capituli nostri presentibus est appensum, apud nostrum monasterium antedictum, secundo die mensis Maii, anno Domini millesimo quadringentesimo octuagesimo quarto.

70. Resignation and Sasine of the lands of Methill, in favour of John, son and heir of John Wemyss, knight. 14th May 1484.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Domini millesimo quadringentesimo octuagesimo quarto, mensis vero Maii die decimo quarto, indictione secunda, pontificatus sanctissimi in Christo patris et domini nostri domini Sixti diuina prouidencia Pape quarti anno decimo tercio, in mei notarii publici et testium subscriptorum presencia personaliter comparuit egregius vir, magister Willelmus Auchlek, procurator et eo nomine suprioris et conuentus monasterii de Lundoris vnanimi consensu et assensu superioris et conuentus, videlicet, Andree abbatis de Lundoris, coram reuerendissimo in Christo patre et domino, domino Willelmo miseracione diuina archiepiscopo Sanctiandree, et ibidem racione qua decuit, nomine quo supra, omnes et singulas terras de Mythyll cum pertinenciis, iacentes infra regalitatem Sanctiandree et infra vicecomitatum de Fyff per fustem et baculum sursum reddidit, ac pure et simpliciter resignauit in manibus dicti archiepiscopi, tanquam in manibus domini superioris earundem, cum omnibus et singulis iuribus, actis, literis, cartis, euidenciis, instrumentis, decretis siue actis dominorum concilii: Simili modo idem magister Willelmus, procurator et procuratorio nomine suprioris et conuentus monasterii Sanctiandree, necnon et procuratorio nomine prepositi collegiate ecclesie Sancti Saluatoris et capellanorum eiusdem, omnes et singulas terras antedictas de Mythyll cum pertinenciis, iacentes infra regalitatem Sanctiandree et infra vicecomitatum de Fyff, per fustem et baculum sursum reddidit ac pure et simpliciter resignauit in manibus dicti archiepiscopi,

tanquam in manibus domini superioris earundem, cum omnibus et singulis iuribus, actis, vt prius dictum est: Qua resignacione sic facta, idem reuerendissimus pater prefatas terras de Mithyll cum [pertinenciis] prouido viro Thome Symsoune vicecomiti de Fyff, procuratorio nomine Johannis Wemis filii et heredis domini Johannis Wemys, militis, prefatas terras de Mithyll cum pertinenciis dedit, donauit, tradidit, pariter et deliberauit, secundum tenorem carte inde confecte; reseruando tamen libero et franco tenemento dictarum terrarum de Mithyll cum pertinenciis prefato domino Johanni Wemis, militi, pro toto tempore vite sue; insuper reseruando, pro iuris clameo Margarete sponse dicti domini Johannis Wemis, militis, de dictis terris de Mithyll cum pertinenciis, decem mercatas annuatim libere disponere sibi et suis assignatis, pro toto tempore vite sue, secundum tenorem carte inde conficiende; ac etiam prouido viro Roberto Leuinstoune, procuratorio nomine predictorum domini Johannis Wemis, militis, et Margarete sponse sue, liberum tenementum predictum ac decem marcatas terrarum, vt prefertur, sepedictus reuerendissimus pater dedit et deliberauit, secundum tenorem carte inde conficiende. De et super quibus omnibus et singulis suprascriptis prefati Thomas Symsoune et Robertus Leuinstoune a me notario publico subscripto sibi fieri pecierunt publicum seu publica, instrumentum seu instrumenta, vnum seu plura. Acta erant hec in Edinburgo, in camera prefati domini archiepiscopi, hora quasi vndecima ante meridiem, sub anno, mense, die, indictione et pontificatu quibus vt supra; presentibus ibidem honorabilibus viris, videlicet, Johanne Scheues, Johanne domino Carlyle, magistro Dauid Ramsay, Thoma Oliphant, Willelmo Parly, Johanne Logy, et domino Andrea Houestoune canonico, cum diuersis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Methuen, presbiter Brechinensis diocesis, publicus autoritatibus imperiali et regali notarius, premissis [*etc., in forma communi*].

Be it knowen vnto all men be thes p[re]sentes I Iohn Mulcaster squyer aperaunt vnto Mulcaster of yorkshyre to haue and
to holde thes my p[re]sentes wyth all my right title and interest that I haue or may haue in and to the
and euery of them vnto the said Mulcaster his heyres and assignes for euer And I the said Iohn Mulcaster
and Elizabeth his wyfe doe couenaunt promise and graunte to and with the said Iohn Mulcaster his heyres
and assignes by thes p[re]sentes that I the said Iohn Mulcaster my heyres executors and assignes shall and
will from tyme to tyme and at all tymes hereafter at the reasonable request and charges in the lawe of the
said Iohn Mulcaster his heyres or assignes make doe and executes or cause to be made done and executed
all and euery such further and other lawfull and reasonable acte and actes thing and things deuise and
assurance in the lawe whatsoeuer for the better and more perfect assuring of the said messuages landes
tenementes and hereditamentes and euery of them vnto the said Iohn Mulcaster his heyres and assignes
as by the said Iohn Mulcaster his heyres or assignes or his or their counsell learned in the lawes shalbe
reasonably deuised or required In witnes whereof I the said Iohn Mulcaster haue hereunto put my hand
and seale the xxvij^th^ day of Iuly in the xxxvij^th^ yeare of the reigne of our soueraigne lady Elizabeth
by the grace of god of England Fraunce and Ireland Quene defender of the faith &c

Sealed and deliuered in the p[re]sence of vs
Iohn Mulcaster
Iohn Mulcaster
Iohn Mulcaster

71. Precept of Sasine by William, Archbishop of St. Andrews, to John Wemyss, son and heir of Sir John Wemyss of that Ilk, knight, in the lands of Methill. 2d November 1484.

Willelmus miseracione diuina Sanctiandree archiepiscopus, carissimo nostro fratri Henrico Scheuez de Gilquhus, senescallo nostro, salutem. Quia concessimus hereditarie dilecto nostro armigero, Johanni Wemys, filio et apparenti heredi domini Johannis Wemis de eodem, militis, omnes et singulas terras de Methil cum pertinenciis, iacentes infra regalitatem nostram Sanctiandree et vicecomitatum de Fiffe: Quequidem terre fuerunt impignorate abbati et conuentui de Lundoris et preposito ecclesie collegiate Sancti Saluatoris infra nostram vniuersitatem Sanctiandree predictam; et quas terras dictus abbas et conuentus ac prepositus per suos procuratores pure et simpliciter resignarunt, et per fustem et baculum sursum reddiderunt, prout in instrumento desuper leuato plene continetur: Vobis precipimus et mandamus quatenus dicto Johanni, vel suo certo actornato, presencium latori, sasinam dictarum terrarum de Methill cum pertinenciis, secundum tenorem antique infeodacionis quam inde habetur, iuste habere faciatis et sine dilacione: Reseruando liberum tenementum dictarum terrarum pretacto domino Johanni, militi, pro toto tempore vite sue, et decem mercas annue leuandas dilecte nostre Margarete, dicti militis sponse, de ipsis terris de Methil cum pertinenciis, pro toto tempore vite eiusdem; ac saluo iure cuiuslibet. Datum sub sigillo nostro apud Edinburgh, secundo die mensis Nouembris, anno Domini j^{m}iiij^{c}lxxxiiij^{to}, et nostre consecracionis anno sexto.

72. Bond of Manrent by John Melville, heir-apparent of Raith, to Sir John Wemyss of that Ilk. 16th August 1487.

Be it kend till all men be thir presentis lettrez, me, Johnne Mailuill sonne and ayr apperand till Williame Mailuill of the Raith, to becum

man, and be thir my presentis lettrez, in the faith of my body, lelely and trewly becumis man, in manrent and seruice, in pece and in were, of howshald and retinew, till a rycht honorabill and a rycht worschipfull man, Schir Johnne of Wemys of that Ilk, knycht, my derast master, for all the dais of my lyff: and I sall gyf my said master the best counsale I can, quhen I am chargit, and his counsale concele schawin to me; and I sall nouthir here, se, nor wit his skaith, harme, nor dishonour in his persoune or gudis, than I sall warne him thairof and let it at all my powar: and I sall tak afald part with him in all actionis, causis, and querellis pertening till him or may pertene, movit or to be movit, at all my power aganis quhatsumeuer partiis, myn allegiance till our souerane Lord the King, and to my foresestouris, alanerly owtane: and thir my lettrez of manrent and seruice till endure for all the days of my lyfe: and gif it happynis me to lefe eftir the deces of my said fader, I bind and oblis me, in the faith of my body, to be bundin in sic lyke band of kyndnes, help, supple, manrent, and defens, till the said Schir Johnne of Wemis, knycht, my master, for all the dais of my lyff, in all actionis, causis, and querellis pertening till him, as my said fader is bundin to the said Schir Johnne, the day of the making of thir lettrez, and in all punctis and articlis contenit in the said band maid betuix tham, all fraud and gyle and friuolus exceptioun excludit and awaput: And to the fulfilling of all thir bandis forsaidis, lelely and treuly, but reuocatioun, the Haly Ewangelis twichit, I haff giffin my bodely aith: and for the mayr sykkirnes, I haff procurit, witht instance, in absence of myn awne sele, the seile of ane honorable man, Thomas Lindessay, ane of the baylyeis of Leith, to thir my presentis lettrez to be affixit, at Leith, the xvi day of the moneth of August, the yere of God j^m[iii]j^c auchti and sevin yeris; befor thir witnes, Alexander Mailuill, Patric Monepenny, and Patric Barry, public notare, witht vthiris diuers.

73. Charge by King James the Third to apprehend Andrew Oliphant, son and heir of Walter Oliphant of Newtoun, being excommunicated. 24th March [1487-8].

Jacobus Dei gracia Rex Scotorum, vicecomiti et balliuis suis de Perthi, salutem. Significauit nobis venerabilis vir, magister Dauid Meldrum, officialis Sanctiandree principalis, per literas sub sigillo officii sui patentes, in subsidium sancte matris ecclesie, nostre Regie Maiestatis brachium inuocando, quod Andreas Oliphant, filius et apparens heres Walteri Oliphant de Droun [de Nevtoune *interlined*] in sententia excommunicationis per quadraginta dies et vltra contumaciter perstetit, claues sancte matris ecclesie miserabiliter contempnendo: Quare vobis precipimus et mandamus quatenus dictum Andream, vbicumque reperiri poterit infra balliam vestram, per captionem et incarcerationem corporis sui ad satisfaciendum Deo et sancte ecclesie ita celeriter compellatis quod pro vestro defectu amplius inde iustam querimoniam non audiamus: In cuius rei testimonium has literas nostras fieri fecimus patentes, apud Edinburgh, vicesimo quarto die mensis Marcii, anno regni nostri vicesimo octauo.

74. Protest by Sir John Wemyss of that Ilk, that he was ready to find trustees for Margaret Wemyss, his pretended spouse, etc. 3d August 1489.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno a natiuitate Domini millesimo quadringentesimo octuagesimo nono, mensis vero Augusti die tercia, indictione septima, pontificatus sanctissimi in Christo patris ac domini nostri domini Innocentii diuina prouidencia Pape octaui anno quinto, in venerabilis et circumspecti viri magistri Dauid Meldrum, canonici Dunkeldensis ac officialis Sancti Andree principalis, meique notarii

publici et testium subscriptorum presentia, personaliter constitutus honorabilis vir, Johannes Vemes de eodem, miles, dixit et asseruit se promptum et paratum ad inueniendum fideiussores Margarete Wemes, eius pretense sponse, pro dote si quam recepit cum ea, et huiusmodi fideiussores habuisse ibidem presentes: Et ideo protestatus est quod ab hac die de cetero non compelleretur ad solucionem expensarum dicte mulieris, ex quo non stetit per eum, vt dixit, penes caucionem inueniendam; et si aliquid fuerit in contrarium actum contra eum, protestatus est de remedio iuris: Super quibus omnibus et singulis prefatus miles a me notario publico subscripto sibi fieri peciit vnum seu plura, publicum seu publica, instrumentum seu instrumenta: Acta erant hec in ecclesia Beati Leonardi infra ciuitatem Sanctiandree, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem venerabilibus viris, magistris Gauino Dumbar decano Morauiensi, Waltero Drummond cancellario Dunkeldensi, Johanne Zoung preposito de Meffane, Roberto Keith rectore de Disert, et Willelmo Laudar canonico Dunkeldensi, testibus ad premissa vocatis pariter et rogatis.

Et ego Johannes Bonare, presbiter Sancti Andree diocesis, publicus imperiali et regali auctoritatibus notarius [*etc., in forma communi*].

75. Indenture between Sir John Wemyss of that Ilk and Margaret Livingstone his divorced wife. 25th October 1489.

Thys Indentur, maide at the citte of Sanctandrois, the fyff and twenty day of the moneth of October, the yere of oure Lorde, a thousand four hundreth auchti and nyne yeris, betuix a honorable man Jhonne of Wemys of that Ilk, knych, on the ta part, and a worschipful lady, Dame Margaret of Lewyngstoun, the spous wmquhyl of the said knycht, on the tother part, proportis and berys wytnes in the selfe, that is to

say, that it is appontit betuix the said parteis, in maner and forme as eftyr folowis; that, forsamekle as the said knych has resignyt in oure souerane Lordis handis, than for the tyme, al and syndry hiis landis of the baronry of Elchok wyth the pertenans, and the landis of Balhabrame, Ardargy, Lytillwne, Cameroun Myl, the Hauch and Pytconnoquhy, in fauor of the said Dame Margret in hyr virginite, and gewyn agane to hyr be oure souerane Lorde for the tyme be chartyr and possessione, lyk as maire fullely proportyt in the sammyne, and in the quhilkis as yeit the said Lady remanys in as for the franktenement, the quhilk gyft maid to hir of all the forsaid landis wyth thare pertenance hie apprewys and ratifyis, and, be the wertw of thir indenturis, affermes now and for ewere, and al wrytis and documentis maid til hir tharuppone for thii that the diuers is maide betuix the said knycht and Dame Margret, as the sentence gewyn tharuppone maire fullely contenys in the selfe: And, becaus al and syndry the landis before wrytyne are seyne maire ewys and profitable to the said knycht, and the landis of Balhawal, Wardraparstoune, al and hail the said knychtis landis of Stratherdill and al and hail hiis landis of Kynnarde and the landis of the Hauch ar seyne ewys and profitable to the said Dame Margret, herfore, the said knych and scho, ilkane be thame selfe, of thare saidis landis befor wrytyne, with thare partenance, has maid excambium and coys interchangeable for al the dais and termys of the said Dame Margret[is] lyff; sua that the said knycht sal brwik and ioys pesiabli for al the dais of the said Dame Margretis lyff al and syndri the said landis of the baronry of Elchok, Balhabram, and Ardargy, lyande within the schirefdom of Pertht, al and hail hiis landis of Lytillwne, Cameroun Myl and Pytcomoquhy, liand within the schirefdome of Fyffe, als frely and quietly as the said Dame Margret mycht brwik thame be wertw of the gyft maid til hyr, as forsaidis is, and withoutyne ony obstakle or demande of hyr or ony of hirris, and wytht all profytis partenyng to thame quhatsumewere, as hie mycht do wyth hiis awyne propyr landis:

and rycht sua, the said Lady sal brwik and iois the landis of Balhawal, lyand within the schirefdome of Forfaire, the landis of Wardraparstoun, lyande within the schirefdome of Mernys, Strathardil and Kynnarde, liand within the schirefdome of Pertht, and the Hauch, liand within the schirefdome of Fyffe, als frely and quietly as the said knycht mych bruyk thame, or has brukyt thame in tyme bygane, and without ony obstakle or demande of the said knycht, or of ony of hiis, and wyth al profytis pertenyng to thame or may perteyne for al the dais of hyr lyff: and forthere, it is appontit betuix the saidis parteis that ewere ilkane of thame sal entyr to thare landis changeit and putt in excambium, as forsaid is, with all profitis, malys, fermys and indewyteis, be ony maner of wys partenyng to thame, but fraude or gyle; and atoure, the said knych is oblist be the faith of hiis body that hie sal nocht mak no forthere take for no tyme to cum, no yeit be antedait, no sal nocht tak no profyte of the said landis interchangeit be excambium, as said is, bot that scho sal remane fra thyne furtht with the said landis excambyt wyth al the froytis and profytis forsaid, and gyff sua be that the said Lady be vexit or stopyt be the said knycht or ony of hiis, or be hiis mediacioun sua that scho may nocht bruyk and ioys the saidis landis excambyt, as said is, it salbe leful to the said dame Margret to haue recurs and full regres to hir said landis abone wrytyne, comprehendyt in hyr charteris, and thareftyr, thame pesably to yois and brwyk without ony impediment of the said knych, or ony wtheris quhatsumewer; and forthere, giffe Gode vesys the said Dame Margret before the said knycht, hie sal haue ful regres to al the landis gewyne to hyr in excambium als frely as he haid thame of before: and at al and syndry thir appoynmentis and condicionis before wrytyne lelely and trewly be kepyt, athere partys has oblist thame to wtheris be the fathis in thare bodeis, the Haly Ewangelis twechit, al fraude and gyle secludit and away putt; in the wytnes of the quhilk thyng to the part of hiis indenture remanande wytht the said Dame Margret, the seil of the said

knycht is to hungyne, and to the part of this indenture remanand wyth the said knycht, the seil of ane honorable man, Robert of Dougles of Louchlewyn, be the said lady purchest, is to hungyne; and forthere, for the maire securite, bayth thir parteis has purchest the seil of the Officialry of Sanctandrois, fra hyme syttand in iugement for thame bayth, to be to hungyne interchangeabli, the day, moneth, and yere before wrytyne, befor thir wytnes, Maistere Dauid Meldrume, official of Sanctandrois, Dene Waltere Dauidsoun, prioure of May, Maistere Hew Dowglas, deyne of Brechyne, Maistere Wilyame Laudere, chanowne of Dunkel, Maister Jhone Young, vicare of Drone, Maister Jhone Andersoun, and Master James Murray, wyth wthere diuers, etc.

76. DECREE regarding the third part of the coal and salt of Wester Wemyss. 23d July 1501. [Extract.]

AT Edinburghe, the tuentie thrid day of Julii, the yeir of God J^m^ fyve hundreth and ane yeires, in the actioune and caus persewet at the instance of Robert Levingstoune of Drumrye, knicht, sone and air of vmquhill Willeame Levingstoune of Drumrye, aganis Johne Weymes of that Ilk, knycht, sone and air of vmquhill Dauid Weymes of Methill, and Johne Weymes of Stratherdill, knicht, sone and appeirand air to the said Johne; that is to say, the said Johne Weymes, frank tenementar of the landis of Wester Weymes, for the wrangous postponing, detening, and withhalding fra the said Robert, as air to his father and grandschir, off the thrid pairt of all the coillis and salt found and labouret within the west pairt of the landis and lordschip of Waster Weymes, lyeand within the schireffdome of Fyff, as at mair lenth is contenit in the sumoundis raiset thairvpoun, the saidis pairties being personallie present, thair richtis, ressounes, allegatiounes hard, sene, vnderstand, and the saidis Lordis thairwith being ryplie advysit, the Lordis of Counsall decreittis and delyveris the

said Robert of Levingstoune to quyt clame and dischairge all the coist, skaith, and expenssis, maid be the saidis Johne of Weymes, elder, and Johne of Weymes, younger, in the laboureing and winning of all and haill the coill and salt found and labouret within the wast pairt of the landis and lordschip of Weymes, and of the thrid pairt of the proffeit of sex salt pannis, and the thrid pairt of ane continuall coilheuch, lyeand and labouret within the saidis boundis of Waster Weymes, in ony tyme bygane, for the availlis and proffeitis that the said Robert of Levingstoune sould haif had thairof in tyme bygane; and that thairfoir the Lordis of Counsall decreitis and delyveris that the said Robert sall haif in tyme cumming the thrid pairt of all and haill the proffeitis of all the coill and salt found and labouret, and to be gottine and wone, within the wast pairt of the landis and lordschip of the Weymes, and of the thrid pairt of sex salt pannis, and of the thrid pairt of ane continuall coilheuch, lyeand and labouret within the boundis of the saidis landis of Wester Weymes, the said Robert makand the coist and expenssis of the wynning of the same effeirand till his pairt eftir the forme and tennor of the indentour maid betuixt vmquhill Robert Levingstoune of Drumrye, on the ane pairt, and vmquhill Dauid Weymes, Laird of Methill, on the vther pairt, off the dait the nyntene day of the moneth of November, the yeir of God J^{m} four hundreth tuentie and aucht yeires, vndir the seill of vmquhill the said Dauid, maid betuixt thame thairvpoun, schawin and producet befoir the saidis Lordis; and attour decreittis and delyverris that the saidis Johne of Weymes, elder, Johne of Weimes, younger, and the said Robert Levingstoune, sall observe and keip till vtheris, all appoyntmentis and conditiounes in all vther thingis contenit in the said indentar in tyme cumming, eftir the forme and tennour of the same, lykwayes schawin and producet befoir the saidis Lordis, and ordaines our Soverane Lordis letteris to be direct heirvpoun, reservand to thrid portioneris of the landis and lordschip of the Weymes thair

actioune that gif any of thame thinkis thame hurt throw this decreit, to mak thame till be callit, and justice salbe ministrat. Extractum de Libro Actorum per me, W. Scott.

77. Procuratory by John of Wemyss of that Ilk, knight, for pursuing Andrew Kinninmont of that Ilk and others. 15th February 1501-2.[1]

Be it kend till all men be thir present letteris, me, Johne of Wemys of that Ilk, knycht, till haf maid, constitut, and ordanyt, and by the tenour of thir present letteris makis, constitutis, and ordanys my lovittis, Master Henry Quhyt, persone of Rothas, Mastir Thomas Alane, Mastir Willyaim Dumbar, James of Dumbar, and Thomas Butlar of Rumgawe, my verray lauchfull and wndoutit procuraturis, acturis, facturis, and special erand beraris, gyffand, grantand, and committand to my saidis procuraturis, coniunctly and siueraly, my full and playne powar, expres bidding and charge, for me and in my name, to compeir befoir our Souerane Lord the King and his Lordis of Counsell at Edenbruch, or quhar it sall happin thaim to be for the tyme, the xx day of Februer nixt to cum, in the hour of caus, with continuacioun of dais, to persew and follow thir personis wnder writin; that is to say, Andro Kininmount of that Ilk, Johne of Wemys of Stratharl, knycht, Henry Hakkat of Petfurane, Jonet Ros, the spous wmquhyle of James Olyphant, and Henry Ramsay, schirref deput to Andro Lundy of Balgony, schirref of Fyfe; that is to say, the said Andro Kininmont to heir and se the actis and decretis gyffin be the Lordis of Counsell adiugeand me to pay to the said Andro the sowme of thre hundereth four scoir and sexteyne merkis vsuall money of the rewm, as I that come souerte thar foir to the said Andro for Johne of Wemys of Stratherll, knycht, for the completing of the maryage betuix Agnes

[1] Original Procuratory in Charter-chest of Lady Elizabeth Jane Leslie Melville Cartwright of Melville.

Wemys, dochtir to the said Johne of Wemys of Stratherll, knycht, and the said Andro, be retretit, cassit, adnullit, and in sa ferr as thai wer gyffyne, be browcht agane and desernit of nane avail, eftir the forme and tenour of our Souerane Lordis letteris of summontis thair apone maid, and all puntis and artiklis tharin contenyt; and the said Schir Johne of Wemys of Stratherll, knycht, to warand, freyth, releif and keip me skathless at the handis of the said Andro Kininmont of the said sowme of iii hundereth lxxx and xvi merkis, eftir the forme and tenour of the summontis apone the said Schir Johne of Wemys of Stratherll, knycht, thair apone maid, and all puntis and artiklis thairin contenit; and the said Schir Johne of Wemys of Stratherll and Charlis his sone, that is to say, the said Schir Johne of Wemys, for the wrangwys spolyacioun, away takin, and withhaldin fra me, furth of my place of Elchok and Camroune Myll, of xxv bollis of mel and v bollis of bere, eftir the forme and tenour of our Souerane Lordis letteris of summontis maid apone the said Schir Johne of Wemys of Stratherll thairapone, and all puntis and artiklis thairin contenyt; and the said Charlis Wemys, for the wrangwys spolyacioune and withhaldin fra me of twa hors, eftir the forme, tenour, and effect of the said summontis; and the said Schir Johne of Wemys of Stratherll, and Dauid Wemys of Drone, that is to say, the said Schir Johne of Wemys of Stratherll, for the wrangwys away takin and withhaldin fra me, furth of my place of the Wemys, out of my cownt bord, of certane charteris, evidentis, preceptis of sesing and instrumentis of sesing, letteris of reuercioune, eftir the forme and tenour of the summontis thair apone maid; and the said Dauid Wemys, for his enteress that he has, or pretendis to haf, in or to the landis of Tulybrek, eftir the forme and tenour of the said summontis; and to persew the said Jonet Ross for the wrangwys occupacioune and intrometting with the tane half of the landis of Ardargy, lyand within the shirrefdom of Pert, eftir the forme [and] tenour of the

summontis thair apone maid; and the said Henry Hakkat, for the wrangwys occupacioune and intrometting with the landis of Petconowchwe, eftir the forme and tenour of the summontis thair apone maid, litis contestacionis to mak, the ath of sutfastnes in my saule to suere, my rychtis, resounys, and allegacionis, to produce and schaw, and agane thaim, be ony of my saidis partis producit or schawin, to impung, accep, and agane say, protestacionis to mak, suspek till accus, instrumentis to tak and rais, with full power to win and tyne, and generaly all and sindry oder thingis to excers, hant, and do that to the office of procuratory is knawyne to perteyne, or that I mycht do my self and I wer present in propir persone; ferme and stabill haldand and for to hald all and quhatsumeuer thingis the saidis procuratouris, coniunctly and syueraly, in the premissis lauchfully dois, or ledis to be done, under the band and oblysing of all my gudis, movable and wnmovabill, present and to cum. In witnes of the quhilk thing, [to] thir my letters my sele is affixt, and [at] St. Androis, the xv day of Februer, in the yeir of God J^{m}v^{c}i yeir, befoir thir witnes, Mastir Dauid Malin, Schir Johne Otter, Schir Johne Bride, and Johne Strang, with oderis divers.

78. Appointment of David Wemyss, eldest son of John Wemyss of that Ilk, as executor-dative of his grandfather, John Wemyss of that Ilk. 13th May 1502.

Jacobus miseracione diuina Sanctiandree Archiepiscopus, tocius regni Scocie primas, et apostolice sedis legatus, Dux Rossie, etc., ac commendatarius perpetuus monasterii de Dunfermlin, vniuersis et singulis sancte matris ecclesie filiis ad quorum noticias presentes litere peruenerint, salutem: Licet alias quondam nobilis vir, dominus Johannes Wemys de eodem, miles, in sua vltima voluntate constituit et nomin-

auit suos executores, inuentarium bonorum suorum, vnacum dictis executoribus per eum constitutis in eodem continente desuper fabricandum, nichilominus ipsi executores, vt prefertur nominati, nec aliquis eorum onus huiusmodi executorie aut disposicionem bonorum eiusdem defuncti in se qua causa nescitur acceptare omnino recusant et recusat. E quibus executores datiuos eidem quondam decedenti nobis constituere de iure incumbit: Noueritis nos, propterea, honorabilem virum, Dauid Wemys, filium primogenitum et heredem Johannis Wemys de eodem executorem datiuum ex causis pretactis dicti quondam domini Johannis Wemys, aui sui, constituisse, fecisse, et ordinasse, nec non per presentes facere, constituere, et ordinare: dantes et concedentes dicto Dauid executori datiuo nostram veram, liberam, et omnimodam potestatem ac mandatum speciale, cum omnibus et singulis bonis dicti decedentis intromittendi, disponendi, debita sua soluendi, et ab aliis petendi, ac coram quocunque iudice, si inter fuerit, pro eisdem prosequendi et defendendi; ac iuxta facultatem bonorum pro salute anime dicti domini Johannis defuncti disponendi; ceteraque omnia alia et singula faciendi, gerendi, et exercendi que ad officium executoris datiui vel alias de iure vel consuetudine dinoscuntur pertinere: Quare omnibus et singulis interesse habentibus ad quos presentes nostre litere peruenerint precipimus et mandamus, quatenus de et super omnibus et singulis bonis prefato quondam domino Johanni, militi, dum vixerit spectantibus et pertinentibus, prefato Dauid nunc suo executori datiuo prompte pareant, intendant, et obediant, ac quilibet prompte pareat, intendat, et obediat, et nulli alteri sub pena iuris incumbente. Datum sub sigillo nostro rotundo, apud Dunfermlin, die xiii° mensis Maii, anno Domini i^{m}v^{c} secundo.

Brady, de mandato Reuerendissimi.

79. Instrument of Intimation on behalf of Sir John Wemyss of that Ilk to Sir Robert Livingstone of Drumry, to receive count and reckoning for his third part of the coal and salt of Wester Wemyss. 8th May 1504.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnacionis Dominice millesimo quingentesimo quarto, mensis vero Maii die octauo, indiccione septima, pontificatus sanctissimi in Christo patris et domini nostri domini Julii diuina prouidencia Pape secundi anno primo, in mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, Dauid Balfour de Caristoun, ac procurator et eo nomine nobilis viri domini Johannis Wemis de eodem, militis, cuius procuracionis mandato michi notario publico subscripto luculenter constabat, accessit ad presenciam nobilis viri domini Roberti Levingstone de Drumry, militis; et eundem dominum Robertum requisiuit, nomine et ex parte dicti domini Johannis, vt in wlgari sequitur:—I, Dauid Balfour of Caristone, procratour for Schir Johne Wemys of that Ilk, knycht, sais to yow, Robert Levingstone of Drumry, knycht, that the said Schir Johne of Wemys has obeit the commandis of our souerane lordis the Kingis letteres, direckit to hym in all tymis bipast anent the thrid part of the profet of the coll and salt wone and gottin within the lardschip of the Westir Wemis perte[n]inge to yow, efter the forme and tenore of the act and decreit giffin tharapone be the lordis of our souerane lordis counsell: And now in this present tyme he obeis to the samyn, and will obey in tyme to cum: Quharfor I requir yow in his name that ye will comper be your self, your procratouris or factouris, als sone as ye pleis, till ber compt and rek[n]ing of the saidis coll and salt, and to ressaue and vptak the thrid part of the profet of the samyn, the resonabill expensis tharof deducit of the said haill profet, efter the act and decreit forsaid: promittand that ye sall nocht, na your procuratouris, be stopit in ony maner

of way fra the hering of the saidis comptis and ressauyng of the thrid part of the profet of the samyn, as said is: And forthir, I declar to yow that sene the day of the giffin of the said decreit the said lard Wemis ressauit newer penny of profet perte[n]ing to yow, bot at the samyn ramanis yit in the handis of the seruandis othir in colis or siluer. Qua requisicione sic facta, idem Dauid a me notario publico subscripto sibi fieri peciit publicum seu publica instrumentum seu instrumenta: Acta erant hec in ecclesia Beati Egidii de Edinburgh, in Insula Beate Marie in eadem, hora quasi quinta post merediem vel eocirca, sub anno, mense, die, indiccione et pontificatu suprascriptis: Presentibus ibidem honorabilibus et venerabilibus viris, Willelmo Browne de Colstoune, Johanne Inglis, Andrea Mailvin, dominis Andrea Chacto et Gilberto, capellanis, testibus ad premissa vocatis pariter et rogatis.

Et ego Willelmus Browne, presbiter Sancti Andree diocesis, publicus sacra auctoritate apostolica notarius, quia premissis [*etc., in forma communi*].

80. Decree-Arbitral between Sir Robert Livingstone of Drumry and Sir John of Wemyss of that Ilk, knight, regarding the new coalheugh of Wemyss. 7th June 1504.

At Edinburgh, the vii day of Junii, the yeir of God j^{m}v^{c} and foure yeiris, in presens of ws, Dauid Betoune of Creich, Master Richart Lausoune of Hieriggis, Master James Hennersoune, and Master Henry Quhite, persoune of Symodois, amicable compositouris chosin betuix honorabill men, that is to say, Schir Robert of Levingstoune of Drumry, knycht, one the ta part, and Schir Johnne of Wemys of that Ilk, knycht, one the tothir part, anentis the expensis maid be the said Schir Johnne apoune the new coleheuch of the Wemys wonne be the said Schir Johnne, and clamyt be the said Schir Johnne apoune the said Schir Robert to haue the thrid refundit to him of the expensis that he maid thairupoune,

be ressoune that the said Schir Robert suld haue the thrid of the profit, and anent the profit of the thrid of al the cole and sault takin vp be the said Schir Johnne and his factouris sen the decreit gevin in the principale mater clamyt be the said Schir Robert to pertenn to him, and als anent the xix li. that the said Schir Johnne was adingit in to pay to the said Schir Robert, batht the saidis partiis being oblist and sworne to abyde at oure counsale and deliuerance: We, as anicabill compositouris forsaid, all in ane voice, counsailis, decreitis, and deliueris that all the profitis takin vp be the said Johnne of the thrid part of the coile and salt pertenyng to the said Schir Robert, on to the daite of thir presentes, salbe quitclamyt, dischargit, and remittit for the thrid part of the expensis maid be the said Schir Johnne in the wynnyng of the new coleheuch, togiddir with the said xix li. quhilk was decretit to haue bene payit, elikwys to be remittit and forgevin: And attoure we counsale, decretis, and deliueris that the said Schir Robert sall entir a man of his awin, or ma, geve he plesis, to tak vp the thrid part batht of colearis pannys, and heuchis, and to haue siclike profit for his thrid part as the said Schir Johnne takis for the twa part; and as for the maile of thame that has cragleif of the cuntre, the said Schir Robert sall outhir haue the thrid male, or the profit of the thrid horss, as he pleisis; and als that the said Schir Robert sall incontinent, apoune Mononday, the x day of Junii instant, entir to the said thrid of the cole and salt, and sall entir his servand or servandis for the vptaking of the sammyn, without ony impediment to be maid be the said Schir Johnne, or ony of his, ony maner of way; and attoure, the expensis to be maid apoun the man that kepis the hewch within, quhilk has vs. in the wolk, that the said Schir Robert pay his thrid part of the said silvir; and geve ony vthir personis be fund neidfull to be put in, the said Schir Johnne sall mak the expensis of the twa part, and siclik the said Schir Robert sall mak the thrid part, and that the said Schir Robert sall and ma dispoune apoun his thrid part of his cole and salt at the havin,

be sending away be schip, or be stakkin at the havin, but ony impedement to be done be the said Schir Johnne, or ony in his name: And geve ony of thir partiis brekis to vthiris in ony of the premissis, the parti brekar in ony of the said punctis sall pay to the party that sall keip the samyne, als oft as he brekis, the sovme of ane hundreth merkis vsuale money, and to oure souerane lord and his successouris j^{c} merkis; and to the Archibischop of Sanctandrois j^{c} merk for the breking of his oblising: And this oure present decreit, counsale, and deliuerans to be but preiudice of the principale decreit, and sall nocht hurt the samyne vthiris wayis na is aboune expremit; and this decreit to be obseruit and kepit be thir partiis and thair airis in all tymes to cum; and that this party, that is to say, the said Schir Robert, mak na proces of the horne agane the said Schir Johnne for ony thing bigane sen he has gottin the wand of pece; pronuncit and subscriuit this decreit, counsale, and deliuerance, day, yeir, and place forsaid.

DAVID BETOUN.
MASTER RICHARD LAUSOUN.
JACOBUS HENRYSOUN.
HENRY QWHYT.

Hec est vera copia principalis sententie siue decreti subscripti manibus dictorum amicabilium compositorum, collationata per me magistrum Johannem Murray, notarium publicum, teste manu propria.

JOHANNES MURRAY, no^{rius}.

81. APPRISING of the lands of the Hauch and Petconnoquhy, in favour of SIR ANDREW KINNINMONT of that Ilk. 22d April 1505.

HEC Inquisicio facta fuit in curia vicecomitatus de Fiffe, tenta in pretorio burgi de Cupro, per honorabilem virum, Henricum Ramsay,

vicecomitem deputatum de Fiffe, vicesimo secundo die mensis Aprilis anno Domini millesimo quingentesimo quinto, per hos subscriptos; videlicet, Alexandrum Louchmalony de eodem, Thomam Grundistoune de Kingask, Johannem Cunnyngame de Westbernis, Petrum Petblatho de eodem, Alexandrum Forsitht de Nydye, Paulum Balfour de Bellow, Walterum Grundistoun de Glasslie, Johannem Traile de Malgaske, Johannem Ramsay de Redye, Nicholayum Hay de Cassingray, Johannem Strange in Taces, Elizeum Foraete, et Michaelem Tullouch: Qui iurati appreciarunt totas et integras terras de le Hauch et terras de Petconnoquhye, cum suis pertinenciis, iacentes infra vicecomitatum de Fiffe predictum, pertinentes Johanni Wemys de eodem, militi, hereditarie, libere, sine aliquo annuo redditu aut clameo, pro summa ducentarum quadraginta marcarum vsualis monete regni Scocie, videlicet, quamlibet marcatam earundem pro viginti marcis, honorabili viro, Andree Kynnynmont de eodem, militi, pro summa predicta sibi de terminis transactis debita per prefatum Johannem, militem, pro maritagio quondam Agnetis Wemis, virtute literarum compulsionum supremi domini nostri regis vicecomiti de Fiffe et suis deputatis directarum, pro districtione bonorum dicti Johannis, militis, et, in defectu bonorum suorum mobilium, pro terrarum suarum appreciacione pro summa prefata Andree militi predicto de terminis transactis debita, prout in dictis literis regiis plenius continebatur, et iuxta formam earundem: Que terre de le Hawch et Petconnoquhy, cum pertinenciis, tenentur in capite de supremo domino nostro rege, et appreciate fuerunt, ut predicitur, in defectu bonorum mobilium prefati Johannis Wemis, militis, infra vicecomitatum predictum, minime existencium. Post cuiusquidem appreciacionem sic, vt premittitur, factam, prefatus vicecomitis deputatus, per publicam proclamacionem apud crucem fori pretacti burgi, intimacionem ac premunicionem parti, iuxta iuris ordinem, fecit super terrarum prescriptarum appreciacione, et obtulit easdem parti aut alicui soluenti summam predictam: Et quia neminem

acquirere poterat, autori[ta]te sui officii qua fungebatur assignauit predictas terras de le Hauch et Petconnoquhy, cum suis pertinenciis, prefato Andree Kynnynmont, militi, pro summa predicta ducentarum quadraginta marcarum, recipi, admitti, et confirmari in eisdem per supremum dominum nostrum regem, iuxta tenorem, vim, formam, et effectum acti parliamenti super appreciacione terrarum facti: In quorum fidem et testimonium premissorum sigilla quorumdam eorum qui dicte inquisicioni intererant, vna cum sigillo officii predicti vicecomitis clauso, anno, mense, die, et loco supradictis sunt appensa.

82. Discharge by William Scott of Balweary, knight, to John of the Wemyss of that Ilk, knight. 20th December 1507.

I, Williame Scot of Baluery, knych[t], grantis me content and pait of the sowme off tuenty nyne schillingis sevin pennyis and a half penny of the maill of a part of the Wemis pertenyng to me, be payment maed be ane honorable man, Jhon of Wemis of that Ilk, knycht, to Villiame Jamesoun, alias Payntour, of the quhilk sowme, as for the tua termis maill last preceidand the dait of this writ, I quytclame, exoneris, and dischargis the said Schir Jhon of Wemis, his ayris, executouris, and assignais, for me, my ayris, executouris, and my assingnais, now and for euer. In witnes of the quhilk thing, I haif subscriuit this writ wytht my hand, and als vritin the sam, as it beris abone, at Edinburgh, the xx day of December, the yer of God j^{m}v^{c}vij yeris, befor thir witnes, Alexander Scot of Fingask, my brother, Valter Arnot, sone and aperand air to Jhon of Arnot of that Ilk, George Arth, Archbald Ramsay, Alexander Syme, and Thom Scot, wyth other diuers.

Williame Scot off Balwery, knycht,
manu propria, etc.

83. Retour of David Wemyss as heir to his father, John Wemyss of that Ilk. 1508.

Hec Inquisicio facta fuit in pretorio burgi de Cuparo, coram honorabili viro Andrea Lundy de B[algony, milite, vicecomite] de Fiffe, et Henrico Ramsay eius deputato, secundo die mensis . . . [anno Domini] millesimo quingentesimo octauo, per Johannem Myrton de Randalstone, Johannem [Multray de] Merkinch, Petrum Pitblado de eodem, Johannem Rankelour de eodem, Thomam Wemis de Pittencreif, Thomam Andersone de Drumtenand, Dauid Tullow de Hilkarny, Johannem Forett de eodem, Willelmum Monypenny de Bawbutt, Johannem Baxtar de Quyltis, Alexandrum Louchmalony de eodem, Georgium Arth, Dauid Balfour de Pitcullo, Laurencium Schethum de Caskelpy et Dauid Sibbald de Lathame. Qui iurati dicunt quod quondam Johannes Wemis de eodem, pater Dauid Wemis, latoris presencium, obiit vltimo vestitus et saisitus vt de feodo, ad pacem et fidem supremi domini nostri Regis, de vna dimedietate et dimedio dimedietatis terrarum de Westir Wemis, Coifheid, Newtone et le Denburne West cum pertinenciis, de manerie de Westir Wemis cum suis pertinentiis, de bina parte carbonum et salis cum proficuis et pertinenciis eorundem in terris de Estir Wemis et dicto le Denburne Est, de terris de Duniface cum suis pertinenciis, de terris de Litill Lovne et molendino de Camerone cum suis pertinenciis et de terris de Tulibrek cum [suis pertinenciis], iacentibus infra vicecomitatum de Fiff: Et quod dictus Dauid est legitimus et propinquior heres eiusdem quondam Johannis patris sui de omnibus et singulis supradictis terris, manerie, carbonibus et sale cum proficuis eorundem et molendino predicto cum suis pertinenciis: Et quod est legittime etatis: Et quod dicte terre dimedietatis et dimedii dimedietatis de Westir Wemis, Coifheid, Newtone, cum manerie de Westir Wemis et suis pertinenciis, valent nunc per annum centum mercas, et tempore pacis valuerunt

annuatim decem libras: Et quod terre de Duniface cum pertinenciis valent nunc per annum viginti libras et tempore pacis valuerunt annuatim quatuor libras: Et quod terre de Litil Lovne cum molendino de Camrone et suis pertinenciis valent nunc per annum quadraginta quatuor marcas et tempore pacis valuerunt annuatim quinque libras: Et quod terre de Tulibrek cum suis pertinenciis valent nunc per annum duodecim marcas et tempore pacis valuerunt quadraginta solidos: Et quod omnes et singule supradicte terre, cum manerie, molendino, carbonibus, sale, eorumque proficuis ac suis pertinenciis predictis, de supremo domino nostro Rege tenentur in capite per seruitium warde et releuii: Et quod existunt nunc in eius manibus per decessum dicti quondam Johannis ob defectum legitimi heredis ius suum hucusque minime prosequentis ad tempus octo septimanarum vltimo elapsarum: In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisicioni intererant vnacum sigillo officii dicti vicecomitis et inclusione breuis regii clauso, anno, mense, die et loco supradictis sunt appensa.

84. Precept by King James the Fourth for confirmation of charter by Sir William Scott of Balweary to Sir David Wemyss of that Ilk of the eighteenth part of West Wemyss. 18th July [1508].

Jacobus Dei gracia Rex Scotorum, reuerendo in Christo patri ac consiliario nostro dilecto, Willelmo Abirdonensi episcopo, nostri secreti sigilli custodi, salutem: Quia approbauimus, ratificauimus ac pro nobis et successoribus nostris pro perpetuo confirmauimus cartam, alienacionem et vendicionem, factas per Wilelmum Scot de Balwery, militem, dilecto nostro Dauid Wemys de eodem et heredibus suis, de omnibus et singulis terris dicti Wilelmi, de Wemysschir cum suis pertinenciis, videlicet, decima octaua parte de West Wemys, iacente infra vicecomi-

tatum nostrum de Fiffe, tenenda de nobis et successoribus nostris, prout in dicta carta desuper confecta plenius continetur; saluis nobis et successoribus nostris iuribus et seruiciis de dictis terris cum pertinenciis ante presentem nostram confirmacionem nobis debitis et consuetis: Vobis precipimus et mandamus quatinus preceptum nostrum sub dicto nostro secreto sigillo, pro carta nostra confirmacionis in maiori forma sub nostro magno sigillo dicto Dauid et heredibus suis super premissis conficienda, prefati nostri magni sigilli custodi, in forma capelle nostre debita dirigatis. Datum sub signeto nostro apud Edinburgh, decimo octauo die mensis Julii, anno regni nostri vicesimo primo.

Per signaturam, etc. CHEPMAN.

85. RECEIPT by ROBERT CUNNINGHAME of Polmaise to DAVID WEMYSS of that Ilk, for ten marks, Whitsunday maill of Wemyss, etc. Perth, 26th June 1511.

BE it kend tyll all men be thir present letteris, me, Robert Cwnyghame, son and air to Alexander Cwnyghame off Polmas, knycht, grantis me to haif rassauit fra han honorabill man, Dawyt Wemis off that Ilk, the sowm off ten markis off my Witsonday mall off my landis off Wemis, and Elkok, and Balhabraam, off this Witsonday term by past, off the qwhelk sowm off ten markis I hald me weill content and thankfully pait, be the said Dawyt Wemis off that Ilk, hym, his airis, executouris, and assyngnas, and qwitclamis and deschargis hym thar off, be me, myn airis, executour, for now and euer. In witnes of the qwhelk thing, I haf affexit to my seill, at Pert, the sax and twenty off Jwne, the yeir of God a thowssand fyf hwnder and alewyn yeiris, befor thir witnes, Jhone Cwnygham, Robert Ker, Thomas Smyth, wyth otheris dyueris.

ROBERT CWNYGHAM off Polmas.

86. CHARTER by KING JAMES THE FOURTH erecting the barony of Wemyss in favour of David Wemyss of that Ilk, knight. 28th August 1511.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto nostro Dauid Wemys de eodem, militi, terras de Wemysschire, Litill Lvne, Tulibrek, Camroun Mylne, le Halch, Donyface, Petconnochy, Wester Tarvet, Wester Drone et Hildrone cum suis pertinenciis, iacentes infra vicecomitatum nostrum de Fyffe, terras de Elchok et Balabrahame, terciam partem terrarum de Strathardill, dimedietatem terrarum de Ardargy, terras de Kynnard cum suis pertinenciis, iacentes infra vicecomitatum nostrum de Perth, et terras de Balhalwell cum pertinenciis, iacentes infra vicecomitatum nostrum de Forfare, vnacum pendenciis, le owtsettis, molendinis, tenentibus, tenandriis, liberetenencium seruiciis, aduocacionibus et donacionibus ecclesiarum et capellaniarum omnium prescriptarum terrarum: Quequidem terre cum pertinenciis suis prenotatis fuerunt dicti Dauid hereditarie, et quas idem non vi aut metu ductus nec errore lapsus, sed sua mera pura libera et spontanea voluntate in manibus nostris apud Edinburgh per fustem et baculum personaliter sursum reddidit, pureque et simpliciter resignauit, ac totum ius et clameum que in eisdem habuit seu habere potuit, pro se et heredibus suis omnino quitteclamauit imperpetuum: Et pro speciali fauore quem gerimus erga dictum Dauid, et pro aliis bonis causis et consideracionibus ad hoc animum nostrum mouentibus, creamus, vnimus, annectimus, erigimus et incorporamus omnes et singulas prescriptas terras cum dependenciis, le owtsettis, molendinis, tenentibus, tenandriis et pertinenciis earumdem, in vnam integram ac liberam baroniam nuncupandam BARONIAM DE WEMYS perpetuis futuris temporibus; et ordinamus castrum de Wemys fore capitale messuagium eiusdem baronie:

Volumus eciam et ordinamus pro nobis et successoribus nostris quod vnica sasina capienda apud dictum capitale messuagium per dictum Dauid et heredes suos nunc et in omni tempore affuturo sufficiet et stabit pro totis et integris predictis terris, et se extendet ad quamlibet partem earumdem, sine aliqua alia singulari vel particulari sasina capienda de eisdem imperpetuum : Et pro incremento polecie infra regnum nostrum, damus, concedimus ac pro nobis et successoribus nostris confirmamus dicto Dauid et heredibus suis plenariam licenciam, autoritatem, priuelegium, libertatem et facultatem, creandi et erigendi le Havin Tovne de Wemys, le Kirkhill de Kirkmichaell, Ballinkillie et Ballynnald, liberos burgos in baronia, cum cruce forali et foro singulis ebdomadis, et nundinis publicis bis in anno, temporibus quibus dictus Dauid et heredibus suis videbitur expediens : Cum potestate habendi et vendendi in eisdem burgis, vinum, ceram, pannum, laneum et lineum, latum et artum, ac alias mercancias quascunque; possidendi et habendi in dictis burgis mercatores, piscatores et carnifices, pisciumque et carnium macellarios, omnesque alios arcium operarios pro bono et proficuo dictorum burgorum necessarios; balliuosque, seriandos et alios officiarios pro administracione iusticie in eisdem faciendi et ordinandi; ac cum omnibus aliis et singulis priuelegiis et libertatibus que ad liberos burgos in baronia dinoscuntur pertinere; ac simili modo et adeo libere sicut aliquis alius burgus in baronia per nos vel predecessores nostros infra regnum nostrum liberius infeodatur; cum potestate perticatas, toftas et tenementa dictorum burgorum in feodifirma pro pecuniarum summis vel firmis burgalibus assedandi; reseruatis tamen nobis et successoribus nostris custumis mercanciarum in dictis burgis venditarum : Prouiso eciam quod balliui, officiarii et inhabitantes dictos burgos nullis vtantur priuilegiis, autoritate vel iurisdictione, nisi hiis que eis per dictum Dauid vel heredes suos condicionata fuerint, et in infeodacionibus suis specialiter inserta: Ac eciam nos in memoriam habentes bonum fidele gratuitum seruicium

nobis per dictum Dauid impensum, et ad remouendum omne placitum, omne dubium, questionem et demandam, que et quas nos penes dictum Dauid vel heredes suos, terras et baroniam antedictas, seu aliquam partem ipsarum, habere possumus; tendentesque ipsum et heredes suos perfectiores efficere, securiusque in eisdem infeodari, ex nostris certis sciencia et motu proprio, dedimus, concessimus et confirmauimus, et hac presenti carta nostra damus, concedimus et confirmamus dicto Dauid et heredibus suis, totum ius et clameum iuris, titulum et interesse, tam petitorium quam possessorium, que nos, predecessores vel successores nostri habuimus, habemus, seu quouismodo habere poterimus vel poterint, in vel ad predictas terras, tam proprietatem quam tenandriam, firmas ve proficua et deuoria earumdem, racione forisfacture, eschaete, recognicionis, resignacionis, nonintroitus heredis vel heredum ad easdem seu alias quouismodo; cum suplemento omnium defectuum, tam non specificatorum quam specificatorum, ipsos pro specificatis et expressis habentes; renunciando, quitteclamando et exonerando dicto Dauid et heredibus suis, omnem actionem, omne clameum et omne interesse, que et quam nos, predecessores vel successores nostri habuerunt, habuimus, habemus seu quouismodo habere poterimus vel poterint in vel ad predictas terras et baroniam, tam proprietatem quam tenandrias, firmas ve proficua et deuoria earumdem, quacumque alienacione preterita per quascunque personas facta, aut aliquo processu forisfacture dictarum terrarum seu alicuius partis earumdem penes quascunque personas, viuas ve defunctas in aliquibus non obstantibus; et specialiter non obstante forisfactura quondam Murdaci Ducis Albanie, comitis de Fyffe et Menteth, seu aliqua alia forisfactura prius ducta: Et igitur si dicte terre et baronia seu aliqua pars ipsarum nobis pertinent vel pertinet racione forisfacture dicti Murdaci, seu alicuius alterius forisfacture retroacte, nos damus et concedimus dicto Dauid et heredibus suis easdem terras, pertinencias, priuilegia, dependencia, tenentes, tenandrias, liberetenencium seruicia et molendina antedicta, de nobis vt sequitur

tenenda: Tenendas et habendas totas et integras predictas terras de Wemys schire, Littil Lwne, Tulibrek, Camroun Mylne, le Halch, Donyface, Petconnochy, Wester Tarvett, Wester Drone, Hildrone, Elchok, Balabrahame, terciam partem dictarum terrarum de Strathardill; dimedietatem terrarum de Ardargy, terras de Kynnard et Balhalwell, cum omnibus suis dependenciis, le outsettis, molendinis, tenentibus, tenandriis, libere tenencium seruiciis, aduocacionibus et donacionibus ecclesiarum et capellaniarum omnium prescriptarum terrarum, nunc creatas, vnitas, annexatas et incorporatas in vnam integram et liberam baroniam nuncupandam baroniam de Wemys imperpetuum: Et dictas villas de Havintovne de Wemys, Kirkhill de Kirkmichell, Ballinkillie et Ballynnald in liberos burgos in baronia, cum omnibus priuilegiis liberorum burgorum in baronia, dicto Dauid et heredibus suis de nobis et successoribus nostris, Scotorum regibus, in feodo, hereditate, libera baronia ac libero burgagio imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, merresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapicidiis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earum exitibus, herezeldis, bludewitis, et merchetis mulierum, cum furca, fossa, sok, sak, tholl, theme, infangtheif, outfangtheif, pitt et gallous, cum communi pastura, libero introitu et exitu, cum tenentibus, tenandriis et liberetenencium seruiciis; ac cum omnibus aliis et singulis libertatibus, commoditatibus et asiamentis ac iustis suis pertinenciis quibuscumque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum omnibus suis pertinenciis prenotatis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine reuocacione, contradictione aut obstaculo aliquali: Reddendo annuatim dictus Dauid et heredes sui nobis et successoribus

nostris pro dictis terris et baronia tres sectas ad tria placita capitalia curiarum vicecomitatuum nostrorum, vbi predicte terre iacent, cum warda, releuio et maritagio, cum contigerint: Cum ista condicione quod quocienscumque contigerit dictam baroniam nobis vel successoribus nostris in wardam deuenire, burgenses et inhabitantes dictos burgos in baronia non remouebuntur a tenementis suis que in feodifirma vel burgagio habuerint, sed quod soluant nobis et successoribus nostris firmas suas burgales durante tempore dicte warde; et tam diu contigerit dictam baroniam in manibus nostris vel successorum nostrorum, racione non introitus existere, et nunc prout extunc et e conuerso damus, concedimus, ac pro nobis et successoribus nostris pro perpetuo confirmamus dictis burgensibus et inhabitantibus prefatos burgos wardas et nonintroitus que cadere contigerint super dictis burgis, toftis, tenementis, perticatis et ortis earumdem, que in feodifirma vel burgagio assedata fuerint; soluendo inde dicti burgenses et inhabitantes annuatim durantibus dictis wardis nobis et successoribus nostris firmas suas, sicut tenentur soluere dicto Dauid et heredibus suis: Et non licebit nobis nec successoribus nostris nec quibuscunque aliis inhabitantes dictos burgos, a suis tenementis, toftis, domibus et ortis earumdem remouere, durantibus warda et nonintroitu antedictis, nec firmas ab eis accipere nisi tales quales dicto Dauid vel heredibus suis persoluerent. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus reuerendissimo reuerendisque in Christo patribus, Alexandro Sanctiandree archiepiscopo etc. cancellario nostro, Willelmo episcopo Abirdonensi, nostri secreti sigilli custode, Andrea episcopo Cathanensi, thesaurario nostro; dilectis consanguineis nostris, Archibaldo comite de Ergile domino Campbell et Lorne, magistro hospicii nostri, Matheo comite de Levinax domino Dernlie, Alexandro domino Hvme, magno camerario nostro, Andrea domino Gray, iusticiario nostro; dilectis clericis nostris, magistris Gawino Dunbar archidiacono Sanctiandree, nostrorum rotulorum

registri et consilii clerico, Patricio Panitere rectore de Tannades, secretario nostro, et Roberto Coluile de Vchiltre nostre cancellarie directore; apud Edinburgh, vicesimo octauo die mensis Augusti, anno Domini millesimo quingentesimo vndecimo, et regni nostri vicesimo quarto.

87. INDENTURE for the marriage of DAVID, son of Sir David Wemyss of that Ilk, and KATHARINE, daughter of Henry, Lord Sinclair. 27th January 1511-2.

THIR indentouris, maid at Edinburgh, the xxvij day of Januare, the yeir of God $j^{m}v^{c}$ and xi yeris, contenis, proportis, and beris witnes in thame self, that it is appoyntit, aggreit, and finaly concordit betuix thir partiis vnder writtin, that is to say, ane noble and potent lord, Henry Lord Sinclare, one that a part, and Dauid Wemys of that Ilk, knycht, and Dauid Wemys, his sone and apperand aire, one that vther part, in maner as efter folowis; that is to say, that the said Dauid Wemys, sone and apperand aire to the said Schir Dauid, sall, will God, marye and haif to wif Katrine Sinclare, dochter to the said Lord, quhilk mariage salbe completit and solemnizat in the face of halykyrk in all gudly haist, and the said Schir Dauid sall geif in coniunct fee to the saidis Dauid his sone, and his wif, the said Katrine, the landis of Drone, with the hill of Drone, and thare pertinence, lyand within the schirrefdome of Fyff: To be haldin of oure souerane lord and his successouris, to thame and the airis maill to be gottin betuix thame, quhilkis failzeand, to the airis maill of the said Dauid of his body to be gottin, and failzeand of thame, cumand agane to the said Schir Dauid and his airis quhatsumeuer: And becaus the said landis of the hill of Drone ar now in wedset for the sovme of tua hundreth markis, tharfore the said Schir Dauid sall gif to the said Dauid and Katrine ten markis worth of his landis of Stratharldill, with thare pertinence, ay and quhill he mak fre to thame the said hill of Drone: For the

quhilk mariage and coniunctfeftment to be gevin in manere forsaid the said Lord, his airis, executouris, and his assignais, sall content and pay to the said Schir Dauid, his airis, executouris, and his assignais, the sovme of nyne hundreth markis vsuale money of Scotland in this maner; that is to say, at the completyng of the said mariage the sovme of tua hundreth markis, and at the nixt terme of Witsounday or Martymes tharefter fyfty markis, and sa furth termelye at ilk terme fyfty markis, ay and quhill the said haill sovme of nyne hundreth markis be fullely compleit and pait, and tharapone the said Lord sall mak securyte to the said Schir Dauid by thar indentouris as thai sall aggre be land or borowis or vder persouns bund with him in the best forme, and quhilk of thai thre wayis of securite the said lord makis to the said Schir Dauid, that salbe done in the sickarrast wis that the said Schir Dauid will dewise, but inconuenient. Item, it is appoyntit and concordit that the said Schir Dauid sall nocht analie fra the said Dauid his sone, and the airis maill to be gottin betuix him and the said Katrine, ony of his landis that he has this day abone the fourty markis wortht of land that is disponit for Jonet Gray, now spous to the said Schir Dauid, and hir barnis, bot gif it be for the gettin and conquessing of vder landis to als mekle wele and proffit of his hous, or for sum ressonable caus, but fraud or gile, or ellis with the consent of the said Lord Sinclare or his airis, and the said Dauid his sone, or his airis maill; and tharuppone the said Schir Dauid, and Dauid his sone, sall mak securyte by thar indentouris to the said Lord and his airis, in the best forme that thai can dewise, but inconuenient. Item, it is appoyntit that becaus thare mone be ane dispensacioun now gottin for certane impedimentis now kend betuix the said Dauid and Katrine, and als thar mone be coniunctfeftment gevin to the personis forsaid, tharfore the saidis lord and Schir Dauid sall mak the expensis of the said dispensacioun and coniunctfeftment equaly betuix thame. Item, it is appontit that gif thar occuris ony caus of diuorce, or impediment of law, quhare throw

the saidis Dauid and Katrine may nocht lauchfullie remane togidder in mariage, efter thai be anys maryit, in that cace als oft as ony sic impediment occuris, the said Dauid Wemys, youngare, sall mais and bring hame dispensacioun̄s of the Court of Rome, ane or maa, als oft as sal be neidfull apone his avne expens, and sall vse the same oder confermand the matrimonye contrackit betuix thame be way of deid, or ellis gif thai be diuorcit to mary thame agane, and sall caus the said mariage to be maid lauchfule, sua that the barnis, airis maill, gottin or [to] be gottin betuix thame, may be lauchfull and abill to succeid to the said Dauidis heretage, the said Katrine consentand tharto, and beand redy for hyr part; and hereuppone the said Dauid Wemys, youngare, sall gif his obligacioun, bindand him, his airis, executouris, and assignais [to] content and pay to the said lord, his airis, executouris, and assignais, the sovme of thre thousand markis, gif he failzeis in the hame bringin and vsing of the said dispensacioun̄s, and making the said barnis lauchfule in maner forsaid, becaus of costis and expensis maid and to be maid be the said lord apone the said mariage, and for dampnis and skaithis sustenit and to be sustenit be him and his dochter, and hir barnis, in the defalt of fulfilling of the premissis. Item, it is appontit that gif the impediment or caus of diuorce now vnkend ris apone the part of the said Katrine throw ony occasioun gevin or done be hir before the said mariage, in that cace the said Katrine and hir frendis sal bring hame the said dispensacioun̄s as thai wilbe seruit. Item, it is appontit, that gif it sall happin the said Dauid Wemys, elder, to mak alienacioun of ony of his landis otherwayis than is abone writtin, the said Schir Dauid and his airis sall content and pay to the said Lord and his airis, the sovme of thre thousand markis vsuale money of Scotland, for dampnage and skath to be sustenit be the said lord, Katrine his dochter, and hir barnis, in wanting of the heretage analiit as said is. Item, it is appontit that gif the said Dauid Wemys, youngar, gettis na airis male apone the said

Katrine bot ane dochter or dochteris with hir, in that cace gif the said dochter or dochteris succedis to nane of the heretage of the said Dauid Wemys, eldar or youngar, in that cace the said Dauid Wemys, youngar, and his airis succedand to his heretage, sall content and pay to the said dochter or dochteris nyne hundreth markis to thar mariage, to be devidit amang thame be thare frendis avis, at sic termys as the sovmes of this indenture suld be pait. And als it is appontit at ilk ane of the saidis partiis sall stand to otheris induring thare lifftymis in afald kyndnes and supple, and ilk ane of thame sall fortefy and help to defend otheris in all and sindry thare gud actioun, causis, and querellis, concernyng thare honouris, personis, and heretage, treuly and afaldly, but fraude or gile. And to the keping and fulfilling of all the poyntis abone writtin, ilk ane for thare part, baitht the saidis partiis ar bundin, oblist, and suorne, be thare gret athis, the haly wangelis tuichit, to otheris in the stratast forme and stile of obligacioun that can be devisit, but fraude or gile. In witnes of the quhilk thing to the part of thir indenturis remanyng with the said Lord Sinclare, the seilis of the saidis Schir Dauid, and Dauid his sone, ar to hungin, with thare subscripciouns, and the part remanyng with the said Schir Dauid, and Dauid his sone, the seill of the said Henry Lord Sinclare is to hungin, with his subscripcioun manuall, day, yere and place forsaid, before thir witnes; that is to say, a reuerend fader in God, George, bischop of the Ilys, commendatoure of the abbais of Arbrotht and of Colmekill, Master George Hepburne, dene of Dunkeldene, Adam Hepburne of the Cragis, Schir Wilyeam Scot of Baluery, knycht, Schir Alexander Laudar of [Blith], provest of Edinburgh, Master Henry Quhit, persone of Sammadois, Master Walter Lesly, persone of Menmure, Johne Mvltray induellar in Disart, Wilyeam Clerk, and Andro Quhit, notar publick, with vther diuers.

HENRY, LORD SINCLAR,
w^t^ my hand.

88. DECREE-ARBITRAL regarding the Marches of Dysart and Wester Wemyss. 20th March 1511-2. [Copy.]

MEMORANDUM, the xx day of Marche, in the yeir of God ane thowsand fyfe hunderitht and ane lewyne yeris, we, the juge arbitaris under writin, counsellis, ordanis, and deliueris that the marchis betuix the landis of the barony of Dysart and Wester Wemys, debatable betuix Henrie Lord Synclar, one that a part, and Schir Dauid Wemys of that ylk, knycht, one that wther part, salbe wsit, obseruit, and kepit be thame and thar airis in tyme to cwme, in this maner following; that is to say, begynnand at the loche gangand fra Fothringhamys Brig to the mowtht of the Blair Bwrne, and fra that loche cumand northtwart mydgait betuix Clarkis Ward and the Lord Synclaris telit land one ye tothir part, lyk as is now markit be certane stanes in the erd bews the saidis jugis to ane mekle erdfast crage nerast the bog of Kildaffe, and fra that same crage ewyne northt to the said bog of Kildaffe, and fra that bog of Kyldaffe all the mwir northt to Bagtowne Mos, sa that the samyn mwir salbe met and mesurit fra the northt west end of the Coldene dene to the grit he gait one the est syd the colpottis a[t] passis to the Brig of Oir, and put ewyn in twa part, and the west part of that mwir and diuisioune to remane witht the said Lord Synclar, and the est part of the said mwir and diuisioune forsaid to remane witht the said Schir Dauid Wemys, and the landis vpone the northt syd the moss is partit in this wys; that is to sa, begynnand in the waitter of Oir at the est end of the Lord Synclaris telit land that pertenys to the mylne of Oir, and sa passand southtwart and westwert be ane loche quhill it cwme to the mos forsaid, and thane sall pass ourthourt the mos fra the end of that loche that enteris in the mos to the mark at is maid one the southt syd ye mos for Mydis Mwir, and that the saidis parteis sall gar set crocis of stane, and coill and salt at the saidis markis sall perpetuallie memoriall, and gif thar beis ony variance

betuix ye saidis parteis anent the inputting and setting of the saidis marchis, we refar the richt tharof to be declarit be our selfe; and atour, we ordane and deliweris that baitht the saidis parteis sall discharge and dischargis all actioune of pley or richt of othir of thame, or yar airis, ma sa aganys wtheris in ty[me] to cwme, be occasioune or intromitting witht the saidis mwris or landis in ony tymes bygane befor the setting of the saidis marchis, and this writ and deliwerance is maid witht baitht the consentis of the saidis parteis, and the same to be ingrossit in autentyk and dew forme wnder baitht thar selis, and vnder the selis of ws the saidis iugis. Witness, the Bischoipe of the Ylis, the Lard of Ochiltre, the Lard of the Est Wemys, the Lard of Balgony, the Lard of Toucht.

Maister George Hepbwrne, Dene of Dunkell.
Adame Hepbwrne of the Crags.
Schir Adame Lawdar, provest of Edinburght.
Maister Walter Lesslie.
Maister Henrie Quhyt.
Jhone Mowtray, witht
The Lard of Balwery, ourman.

Indorsed; Copy of ane Decreit Arbitrall betuix the Lord Sinclar and the Lard of Wemis, anentt marchis betuix thame.

89. Reversion by Robert Cuningham of Polmaise to David Wemyss of that Ilk, knight, of his sixth part of Wemyss, etc. 25th February 1512.

Be it kend till all men be thir present letteris, me, Robert Cunnyngam of Polmais, to be bundyn and oblist, and be the faith and treuth in my body, oblis me to ane honorable man, Dauid Wemis of that Ilk, knycht, and his ayris, that nocht withstanding the said Dauid hes

infeft me in ane sext part of his landis of the Wemys, liand within the scherefdome of Fiff, and ane sext part of the landis of Elchoth and Balhabraham, with the myll of Elchoth, lyand within the scherefdom of Pertht, as his charter to me maid thairon proportis, neuertheles how son and quheneuer the said Dauid, his ayris or assignayis, payis to me, my ayris or assingnayis, on a day betuix the son rising and ganging to of that ilk, the sowm of sex scor and ten merkis vsuall mone of Scotland, than and incontinent I, the said Robert, my ayris or assingnayis, sall resing and ourgif to the said Dauid, his ayris or assingnayis, the said landis with thair pertinence, I, the said Robert, being warnit thairto, apon tuenty dais warning, in the parroch kyrk of Sanct Niniane, to resaue the said sowm apon the he alter of the parroch kyrk of Dumfermling. And gif I absent me, or my ayris or assingnayis absentis thaim, it salbe lesum to the said Dauid to haif and tak full regres and ingres in and to the saidis landis witht thair pertinence, the said sowm being put in pos and keping of subprior of the Abbay of Dumfermling for the tym, to my vtilitie and profit. In witnes of the quhilk thing, I haue affixt my seill to thir letteris at Edinburgh, the xxv day of Februar, the yer of God J^{m}v^{c} and xij yeris, befor thir witnes, Willyam Scot of Baluery, knycht, Jhon Moultray of Newtoun, Dauid Berclay of Toucht, Schir Willyam Scot, son to the said Willyam, and aperand air, with other diuers, and subscriuit with my hand. ROBERT CWNYNGHAM off Polmas.

90. BOND OF MAINTENANCE by JAMES BETON, ARCHBISHOP OF GLASGOW, to DAVID WEMYSS. 16th July 1515.

BE it kend till all men be thir present lettrez, ws, James, be the mercy of God, Archibischop of Glasgw, chanceler of Scotland, for samekle as oure belouit frend and kynnisman, Dauid Wemys of Vestir Wemys, is becumin oure man and seruand for all the dais of his life, at our will

to be of houshald or of retinew; herfor we will and grantis, and be thir lettrez lelelie and treulie oblisis ws to be gude lord and maister to the said Dauid, our man, indurand all the dais of oure life and his, as efferis ane prelot and man of kirk to do for his man and seruand, and sall help, suppley, manteine, and defend him in all his rychtuis, lefull, and honest actionis, causis, and querelis, at all oure gudlie pouer, as gude lord and maister, and a prelat of kirk, aw to do to his man and seruand. In witnes of the quhilk thing, to thir present lettrez subscriuit with oure hand, oure round sele is affixit, at Edinburgh, the xvi day of Julii, the yere of God ane thousand five hundreth and fiftene yeris, and of oure consecracioun the sevynt yere.

Ja. Gl. Archieps.

91. Discharge by James, Postulate of Dunfermline, to David Wemyss, of composition for slaughter of William Moffat. 11th September 1515.

We, James, Postulat of Dumfermelinge, ane of the generall resauouris of the casualite, granttis ws [till] haue resauit be the handis of Jhon Barklaw and Schir Patrik Jackson, chapland, in the name and behalf of Dauid Wemys of that Ilk, the sowime of ane hundreth thre scor sex pundis, xiii schillingis four penneis, wsualle mone of Scotland, in part of paymend of ane gretter sovime to be payt be said Dauid for the compos[it]ioun maid be him and his complicis of art of the slauchter of William Moffet, of the quhilk sovime of ane hundreth thre scor sex pundis xiii ß. iiij đ. we hald ws weill content and payt, and quitclamys and dischargis the said Dauid of the said sovime abon wyrttin in our Souerane Lordis name for now and euir. In witness hereof, we haue put to our signet to this wyrt, togiddyr with our subscriptioun manuale, at Edinburgh, the xi day of September, the yere of God ane thousand five hundreth and fyfteyn yeris.

James, Dumfermlinge.

92. Remission by King James the Fifth to David Wemyss of that Ilk and others for the slaughter of William Moffat. 19th October 1516.

Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quia ex gracia nostra speciali, cum auisamento carissimi consanguinei et tutoris nostri, Johannis ducis Albanie etc. regni nostri protectoris et gubernatoris, remisimus Dauid Wemys de eodem, Roberto Dury de eodem, Roberto Aytoun, Roberto Wardlaw, Johanni Gaw de le Maw, Stephano Creichtoun, magistro Jacobo Kyninmonth, Willelmo Scheves clauigero, Georgeo Balfoure, Dauid Balfoure, Thome Maleuile, Johanni Brus, Archibaldo Balmanno, Waltero Kincragy, Henrico Leyis, Nicholaio Russell, Andree Wemys, Johanni Inglis, Thome Dury, Alexandro Law, Alexandro Walkare, Dauid Finlasoun, Wilelmo Dury, Georgeo Dury, Andree Hagy, Willelmo Lauerok, Roberto Dorky, Jacobo Rawat, Thome Hardy, Alexandro Rankeloure, Ambrosio Scheves, Dauid Wemys, Johanni Gib alias Gray Jhone et Johanni Fullertoun, latoribus presencium, rancorem animi nostri, sectam regiam et omnem actionem quem et quas erga ipsos et ipsorum quemlibet concepimus, habemus seu quouismodo habere poterimus, pro arte et parte interfectionis quondam Willelmi Moffet ex precogitata felonia commisse et perpetrate ac pro omnibus actione et crimine que eiis seu ipsorum alicui pro dicta interfectione imputari poterint, ac pro omnibus aliis actionibus et criminibus quibuscunque per dictas personas seu ipsarum aliquam temporibus retroactis vsque in diem date presencium commissis seu quomodolibet perpetratis, proditoria tradicione, murthuro, incendiis, raptu mulierum, furto et aliis homicidiis exceptis; dummodo parentibus et amicis dicti quondam Willelmi talem emendam faciant, aliisque partibus conquerentibus et dampna passis taliter satisfaciant, quod nullam super hoc de cetero iustam querimoniam audiamus: Et

supradictas personas sub firma pace et protectione nostra iuste suscipiendo firmiter inhibemus ne quis eiis seu earum alicui occasione interfectionis predicte aut aliarum transgressionum, ut premittitur, malum, molestiam, iniuriam seu grauamen aliquod inferre presumat iniuste super nostram plenariam forisfacturam, aut mortem eiis inferat sub pena amissionis vite et membrorum. In cuius rei testimonium has literas nostras remissionis pro toto tempore vite dictarum personarum duraturas sub nostro magno sigillo fieri fecimus patentes, apud Edinburgh, decimo nono die mensis Octobris, anno Domini millesimo quingentesimo decimo sexto, et regni nostri quarto.

On tag: Remissio Dauid Wemys de eodem et xxxiij aliorum, etc.

93. Lease by James, Earl of Arran, and his Countess, Lady Wemyss, to David Wemyss of Wemyss, of the coal, etc., of Wester Wemyss. 7th September 1520.

Be it kend tyll all men be thir present lettrez, ws, James Erle of Arrane, with consent and assent of Jane Countes of Arrane and Lady Wemys, our spous, to haif set and for male lattin, and be thir our present lettrez settis, and for male lattis to our weilbelouit freynd Dauid Wemys of that Ilk, his airis, executouris, and assignais, all and hale our thrid part of the cole, colehewis, canesalt, and pan malis of the Wester Wemys, fra the burne west, liand within the schirefdome of Fyffe, for all and hale the dayis and termis of sevin yeris, nixt immediate and togidder followand the Fest of Lammes, callit Aduincula Sancti Petri, that nixt cumis eftir the dait heirof; the quihilk Fest of Lammes salbe the entre of the said Dauid, his airis, executouris, and assignais, in and to the said tak and assedacioun of the said third part of the cole, colehewis, canesalt, and pan malis of the Wester Wemys, fra the burne west; and fra thyne furth peciably to brouke and jois the samin vnto the ische and full compleit end of the said sevin yeris, with

all fredovmez and profettis, asiamentis, and rychtwis pertinentis quhatsumeuer pertenand to the said third part of the said cole, colehewis, canesalt, and pan malis of the Wester Wemys, fra the burne west, with the pertinentis, or rychtwisly may pertene thairto in tyme to cum, be ony maner of way, with fre ische and entre, frelie, quietlie, wele and in peax, but ony reuocacioun, obstakle, or impediment quhatsumeuer; payand herefore yerelye the said Dauid, his airis, executouris, and assignais, to ws, our airis, executouris, and assignais, fyfty pundis of male, gud and vsuale money of Scotland, at twa vsuale termis in the yere, Witsonday and Martymes in wynter, be evin porcionis allanerly, for all vthir doseruice, chargis, exactionis, questionis, or demand that heireftir may be askit or requirit. And geif the said third part of the said cole, colehewis, canesalt, and pan malis beis better, and cumis to mair profet yerely, na the said sovm of fyfty pundis, for the thankfull seruice done to ws be the said Dauid, we remitt and dischargis the samyn to him, his airis, executouris, and assignais, for euir be the tenour hereof. And we foresuyth, the said James Erle of Arrane, with consent and assent of Jane Countes of Arrane and Lady Wemys, our spous, and our airis, all and hale the tak and set of the said third part of the cole, colehewis, canesalt, and pan malis of the Wester Wemys, fra the burne west, with the pertinentis, to the said Dauid, his airis, executouris, and assignais, aganis all dedly we sall warand, and induring the said termez of sevin yeris, acquiet and defend lelye and trewlye, but fraude or gyle. And atour, geif the said Dauid, his airis, executouris, or assignais, makis ony cost or expens apon the said colehewis, owther in durris, wynnyng, fawis, redding, or vthir expens necessar maid thairupon, we bind and oblis ws tyll allow the said cost and expens in thair malis of the nixt terme or termez thaireftir followand, eftir it be laid dovn. In witnes of the quhilk thing, to thir present lettrez, subscriuit with our hand, our sele is affixt, at Glasgw, the vii day of September, the yere of God j^{m}v^{c}

and twenty yeris; before thir witnes, ane maist reuerend fadir in God, James, Archbischop of Glasgw, chancelar of Scotland, etc., and reuerend faderis, Dauid Bischop of Galloway and of our Souerane Lordis chapell, and Dauid Bischop of Ergyle and commendatour of Dryburgh, and vther diuers, etc. And this tak to endure bot for thre yeris, nochtwithstandin thair is put in it sevin yeris.

JAMES ERL OF ARRAN.

94. INSTRUMENT on the Consignation of the redemption-money of Polguld, and other lands, by DAVID WEMYSS of that Ilk from WILLIAM SCOTT of Balwearie, knight. 16th May 1521.

IN Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno incarnacionis Dominice millesimo quingentesimo vigesimo primo, mensis vero Maii die decima sexta, indictione nona, pontificatus sanctissimi in Christo patris et domini nostri, domini Leonis diuina prouidencia Pape decimi anno nono, in mei notarii publici et testium subscriptorum presencia venerabiles viri dominus Dauid Mowtray, vicarius de Carnbe, et magister Johannes Spens, vicarius de Quhiltis, capellani, nomine et ex parte nobilis viri, vt asseruerunt, Dauid Wemis de eodem, summas pecuniarum sequentes ad effectum redimendi terras villarum de Poguild, Westerraitht et Glennestoun, iacentes infra vicecomitatum de Fyif, de manibus honorabilis viri Willelmi Scot de Balwery, militis, et ad easdem pecuniarum summas sequentes ad effectum predictum deliberandi et imponendi in collegio Sancti Saluatoris infra ciuitatem Sanctiandree fundato, secundum vim, formam et tenorem vnius reuersionis dictarum terrarum per prefatum Willelmum, militem, nobili quondam viro Dauid Wemis de eodem, militi, vt asseruerunt facte, numerauerunt et numerari causarunt: Necnon ad eundem effectum, ad dictas, videlicet, terras redimendas, ut asseruerunt, dicti dominus Dauid et magister Johannes vnam literam assedacionis

terrarum predictarum, secundum vim, formam et tenorem dicte reuersionis, factam per dictum Dauid Wemis de eodem modernum dicto Willelmo militi de dictis terris, in papiro scriptam, et sigillo proprio dicti Dauid Wemis de eodem moderni vt asseruerunt sigillatam, in medium produxerunt nomine quo supra: Sequuntur pecuniarum summe de quibus supra fit mentio:—In primis, centum et octodecem vnicornes cum dimedio vnicorni in auro, octuaginta et duo scuta Gallica de sole et de pondere, sexaginta et sexdecem scuta Gallica leuia, nouemdecem le goldynguidleinnis, nouem scuta Gallica Regis de pondere, viginti et sex ducatos aureos de pondere, tres leones leues et vnum de pondere, tres angelos aureos cum dimedio, tres equites aureos cum dimedio, dimedium noble Henrici de pondere, duos ducatos leues et vnum dimedium scutum Scoticum Sanctiandree in auro; necnon summam centum librarum septem librarum et quindecem solidorum monete currentis Scocie in auro et argento, vt predicitur, numerauerunt; extendentes ad summam sexcent[ar]um marcarum monete regni et vltra: Quas summas pecuniarum prescriptas prefati dominus Dauid et magister Johannes, nomine vt asseruerunt quo supra et ad effectum predictum, numerauerunt et in pecunia numerata numerari causarunt et fecerunt; vna cum litera assedacionis predicta antedictarum terrarum per dictum Dauid Wemis de eodem dicto Willelmo, militi, secundum formam et tenorem dicte reuersionis in omnibus et per omnia, vt asseruerunt, facte; prout easdem pecuniarum summas et assedacionem prescriptas in vna boxa imposuerunt et inseruerunt: Post quarum pecuniarum summarum antedictarum numeracionem, prefati dominus Dauid et magister Johannes dictum collegium Sancti Saluatoris cum summis pecuniarum et assedacione antedictis accesserunt, et easdem deliberarunt et deposuerunt in deposito et custodia dominorum prepositi et canonicorum dicti collegii in dicto collegio et in domo cartarum infra dictum collegium, prout easdem pecuniarum summas predictas in dicto collegio et in domo cartarum predicta cum assedacione prescripta sic deliberatas

et depositas ad effectum predictum nomine quo supra dereliquerunt et demiserunt: Super quibus omnibus et singulis premissis, summarum videlicet pecuniarum numeracione, imposicione et dimissione, et aliis singulis predictis, prefati dominus Dauid et magister Johannes Spens a me notario publico subscripto sibi fieri nomine quo supra pecierunt instrumentum ve instrumenta, publicum seu publica. Acta erant hec apud ciuitatem Sanctiandree, in camera dicti magistri Johannis Spens, et in dicto collegio Sancti Saluatoris et domo cartarum predicta, horis secunda et tercia post meridiem vel eocirca, sub anno, die, mense, indictione et pontificatu quibus supra: Presentibus ibidem, venerabilibus et circumspectis viris, magistris Hugone Spens, Thoma Ramsay et Petro Chaplen, sacre theologie professoribus, dicte ecclesie collegiate Sancti Saluatoris preposito et canonicis, Thoma Wemis notario publico, Alexandro Wemis, Cuthberto Wemis, Nycholaio Russall et diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Georgius Atkinsoun, clericus Sancti Andree diocesis, publicus sacra autoritate notarius, quia [*etc. in forma communi*].

95. Summons against Sir William Scott of Balwearie, Knight, for fishing on Lochgelly. 2d January [1521-2].

James, be the grace of God, King of Scottis, to our louittis Nicholl Russell, Williame Maxwell, Stevin Crechtoun, Alexander Law, our schireffis in that part, coniunctlie and severalie, specialie constitut, greting: Our will is, and we charge you that ye peremptourly summond, warn, and charge William Scott of Balwery, knycht, William Scott of Inuerteill, and Thomas Scott, his sonn, to compeir befor ws and our counsaill att Edinburght, or quhair it salhappin ws to be for the tyme, the fyrst day of Februare nixt to cum, gif it be lauchfull, and failyeing thairof, the nixt lauchfull day thairefter folowing, in the hour of caus, with continuatioun of dais, to ansueir at the instance of our

louit, David Wemys of that ilk, for the wranguus, violent, and maistirfull distructioun and doun casting be thameself, thair seruandis, and complicis of thair causing, command, and ratihabitioun, of ane hous pertenyng to the said Dauid, being apon his landis of Wester Raith, at the loch syde of Lochgelly, occupyit be his tennent Nicholl Chaplane, vpoun ye xxviii day of Junii last bipast, and wranguus spoliatioun of the said Dauid and his said tennent of his possessioun of the fisching of the sad loch, and wranguus vsing and occupying of the samin, and vptaking, withhalding fra him of the proffettis thairoff sen the said xxviii day of Junii last bipast, and wranguus brekin and distructioun of his said tenentis insicht gudis being in the sad hous the samin tyme, and for the dammage and scaithis sustenit be him and his said tennent, throu distructioun of the said hous and gudis being thairin, and wanting of the fisching and proffettis of the said loch be the said space, extending, be gude estimatioun, to the sovm of xl pundis with the mair: Quhilk houss and fisching of the said loch, vmquhile Dauid Wemys of that ilk, knycht, fader to the said Dauid, broukit peciabilly as his heretage all his tyme, and deit in possessioun thairof vnder our maist nobill faderis baner in the feild of Flodoun, and efter his deces the said Dauid, his sone, enterit thairto as his air, and broukit the samin peciabilly inlikuis be him self and his tenentis quhill the sad xxviii day of Junii last bipast, that he and his said tennent war put thairfra and spuilzeit thairof be the sadis personis and thair complicis in maner foirsaid, as is alligeit: And thairfor the sadis William, William and Thomas, to heir thame be decernit be decreit of the lordis of our counsaill, to have done wrang in distructioun of the said hous and gudis being thairin, and in spoliatioun of the said Dauid of his possessioun thairof, and of the fisching of the said loch, and to desist thairfra in tyme cuming, and the said Dauid to be restorit to his possessioun of the samin siclik as he wes in the said xxviii day of Junii last bipast, to be broukit and ioisit be him as his heretage in tyme

cuming, and thai to be decernit, be the lordis of our counsaill, to refound, content, and pay to him and his sad tennent the said sovme of xl li for thair dammage and scaithis forsadis and proffettis of the said fisching sen the said day, according to iustice, and for the costis and scaithis sustenit be thame thairthrou; and forthir to ansueir in the sad mater insafer as law will; making intimatioun to the sadis personis that quhether thai compeir or nocht the sadis day and place, with continuatioun of dais, we will proceid and minister iustice in the sad mater insafer as we may of law: Attour that ye lauchfully summond, warn, and charge Nycoll Chaplane, James Ranaldsone, William Robertsone, Patrik Grahame, Adam Morrisone, Andro Ynglis, James Symsone, James Scot, to compeir befor ws and our counsaill the sadis day and place, with continuatioun of dais, to beir lele and suthfast witnessing, insafer as thai knaw or salbe sperit at thame in the sad mater, vnder all the hiest pane and charge that efter may folow: The quhilk to do we committ to you, coniunctlie and seueralie our full power be thir our letteris, deliuering thame be you deuly execut and indorsait agane to the berar. Gevin vnder our signet at Edinburght, the secund day of Januar, and of our regnne the nynt yeir. CHEPMAN.

One Tisday, the vii day of Januar, the yer of Gode ane thousand v^{c} and xxi yeris, I, Alexander Law, ane of the schirefis within writtine, past, at the command of our Souerane Lordis letteris, somond, warnit, and chargit William Scot of Balwery, knycht, and William Scot of Inuerteill and Thomas Scot, his sonis, at thair duelling-placis of Balwery and Inuerteill, becaus I culd nocht apprehend thame personalie, to compeir befor the lordis of counsaill, day and place within writtine, with continuatione of dais, to ansour at the instance of Dauid Wemis of that ilk, one all puntis and articlis contenit in thair somondis, efter the tenor, forme, and effect of the samin; and this I did befor thir witnes, Patrik Trumbull, Thomas Myllar, Androw Lawerok, with other

diuers, and for the mayr verificatione heirof I haue affixat my signet to this indorsing.

On Weddinsday, the viii day of the moneth of Januar, the yeir of God ane thousand five hundreth and xxi yeir, I, Alexander Law, ane of the schereffis in that part within constitute, past, at the command of thir our Souerane Lordis letteris, and lauchfully summond, warnit, and chargit Nichole Chaplane, James Rannaldsoun, William Robertsoun, Patrik Grahame, Adam Morisoun, Andro Inglis, James Symsoun, and James Scot, all personaly apprehendit, to compeir befoir the lordis of our Souerane Lordis counsall, day and place within writtin, with continuatioun of dais, to beir leill and suthefast witnessing in sa far as thai knaw and salbe sperit at thame in the mater within writtin, efter all and sindry the poyntis and articlis contenit in thir our Souerane Lordis letteris, and efter the tennour, forme, and effect of the samyn: And this I did befoir thir witnes, Williame Punder, Thomas Myllar, and Alexander Walcar, with vtheris diuers, and for the mair witnessing of this my indorsing to the samyn I haif affixat my signet.

96. Letters of Lawburrows in favour of David Wemyss of that Ilk, and James Lundy of Balgony, against Sir William Scott of Balwearie and his sons. 9th August [1525].

James, be the grace of God, King of Scottis, to our schireff of Fiff and his deputis, and to our louittis messingeris, our schireffis in that part, coniunctlie and seueralie, specialie constitut, greting. Forsamekle as it is humelie menit and schewin to ws be our louittis, Dauid Wemys of that ilk, and James Lundy of Balgony, that quhare William Scott of Balwery, knicht, Williame Scott of Inuerteill, knicht, his sone and apperand are, and Thomas Scott, alsua his sone, thare freyndis

and complices, hes purchest our vtheris letteres to tak lawborois of the saidis Dauid, James, and thare freyndis, men, tenentis, and seruandis, to greit novmer, and vndre gret panis, howbeit thai ar daily invadit and persewit be the said Williame Scott, his sonnis foresaidis, thare seruandis and complices, for thare bodely harme as is alleget: Oure will is heirfor, and we charge you straitlie and commandis that incontinent thir our lettres sene, ye tak sicker souirte and lauborois of the said Williame Scott of Balwery, his sonnis foresaidis, thare freyndis, seruandis, and complices, samony as the saidis Dauid Wemys, James Lundy of Balgony, thare freyndis, men, tenentis, or seruandis, makis faith to you thai dreid bodely harme of, and gevis thare names to you in bill that thai salbe harmeles and skaithles of the said William Scott of Balwery, his sonnis foresaidis, thare freyndis, tenentis, and seruandis and thare complices, and all that thai may lett in tym cuming, but fraude or gyle, bot as law will: That is to say, of the saidis William Scott of Balwery, William Scott, his sone and apperand are, ilk ane of thame, vnder the pane of twa thousand pundis, of the said Thomas Scott five hundreth pundis, and of thare complices that salbe gevin to you in bill, ilk gentilman landit tua hundreth pundis, ilk gentilman vnlandit tua hundreth markis, and ilk yeman ane hundreth mark; and that ye charge thame personalie, gife thai can be apprehendit, and failzeing thairof, be opin proclamacioun at the mercat croce of our burgh of Cowpare, to cum and find the said souirte and lauborois to you in maner foresaid, within sex dayis nixt eftir thai be charget be you thairto, vnder the pane of rebellioun and putting of thame to our horne: The quhilk sex dayis being bipast, and the said souirte and lauborois nocht fundin, that ye incontinent thareftir denunce thame our rebellis, and put thame to our horne, and eschete all thare mouable gudis to our vse, for thare contemptioun, as ye will ansuere to ws thairupoune: The quhilk to do we commit to you, coniunctlie and seueralie, our full power be thir our letteres, deliuering thame be you dewlie execute and indorsate agane

to our iustice clerk. Gevin vndre our signete at Edinburgh the ix day of August, and of our regnne the twelf yere.

Ex deliberatione dominorum concilii, etc. J. Chepman.

97. Receipt by Margaret Livingstone, Lady of Drumry, for a hundred pounds Scots, as her terce of the coal of West Wemyss. 4th November 1525.

Be it kend til al men be thir present letteris, me, Mergret Leuinstoune, lady of Drumry, with the ful consent and assent of James Hammiltoune of Fynnard, knycht, myn spous, and with the ful consent and assent of James erle of Arrane, granttis me to haue ressauit, and fullely for to haue had be the handis of a nobill mane, Dauid Wemys of that ilk, the sowme of a hundir punddis of vsual mone of Skotland, for the thrid pertenyne to me of twa yeris colle of the West Wemys, of the yere of God a thowsand five hundir and twenti fowre yeris, and of the yere of God a thowsand five hundir twenti thre yeris, ilk yer fifty punddis. Off the quhilk foresaid sowme of a hundir pundis for the thrid of myn cole of the West Wemys for the said twa yeris, ilk yer fyfty punddis, I hald me wele content and fullely payit; and the foresaid Dauid Wemys of that ilk, and his ayris, executouris, and hys assignes, for me, myn ayris, executouris, and myne assignes, quitclamys and dischargez euirlestandly, be this myn acquitance, for now and euyr mair. In witnes heirof to this myn acquittance, I haiff affixit myn propir sele, with myn subscriptioune mannuell, and with the subscriptioune mannuell of James Hammiltoun, myn derrest spous, and subscriptioune mannuell of James erle of Arrane, in taknyne of thaire consentis and assentis, at Hammiltoune, the fowrte day of the moneth of Nouembir, the yere of oure Lord a thowsand five hundir twenti five yeris.

James, erl off Arran.
James Hammyltoun off Fenard, knycht.
Margret Leweistoun off Drumri.

98. Assignation by Margaret Livingstone, wife of Sir James Hamilton of Finnart, to James Colville of East Wemyss, of her third of the profits of the moor of Wemyss-shire. 3d January 1531-2.

Be it kend till all men be thir present letteris, me, Margaret Levingstoun, the spouse of ane nobile man Schir James Hammiltoun of Fynnart, knycht, and dochter and air of vmquhile Schir Robert Levingstoun of Drumry, knycht, and als aire and successoure to vmquhile Schir Robert Levingstoun, Schir William Levingstoun, Schir Robert, and Schir Robert Levingstoun of Drumry, knychtis, my predicessouris, to haue maid, constitute, and ordinit, and be thir present letteris, witht consent and assent of my said spous, makis, constitutis, and ordinis ane nobile man, James Coluile of Est Wemis, and his airis, my verray lauchfull and vndoutit cessionaris and assignais in and to the proffitis of the thrid parte of the hale mure of Wemysschire, liand within the schireffdome of Fyff, that is to say, gres, pasturing of catell, hedder, petpot, turf, and duvat, togidder witht the thrid parte of the cornis and all vther proffictis of the landis revin furtht of the said mure sene the first diuisioun maid of the corne land thairof, and als the thrid of the profect of the wod, treis, gres, and pasturing of the samyn, and the thrid parte of the proffite of the havynnis within the boundis of West Wemys, of all yeris and termes bypast, pertenyng to me as aire and successoure to my said vmquhile predicessouris: Gevand, grantand and committand to the said James Coluile, and his airis, my cessionaris and assignais foresaid, my full, fre, plane poware, speciale mandment and charge, to persew and folow the intromettouris, occupiaris and vptakaris of the thrid parte of the proffitis of the said haill mure, callit the Mure of the Wemys schire, witht the pertinence, and of the thrid part of the proffite of the havynnis within the boundis of West Wemis, of all termes bypast, before quhatsumeuir juge of law, spirituale or tem-

porale, and to dispone thairapone at thair plesour; transferrand fra me, myn airis and all vtheris myn assignais, all rycht, clame and titill of rycht that I or thai may ony wis ask or clame to the foresaid proffittis of the said thrid parte of the forenemmit haill mure of the Wemys schire, witht the pertinence, and of the thrid parte of the proffitte of the saidis havynnis within the boundis of West Wemys foresaid, be ony richt or titill bypast, in the said James Coluile and his airis, myn assignais foresaid, for euir, without reuocatioun: And generaly all vther and sindry thingis to do, vse and exerce, that to the office of cessionary and assignatioun to sic thingis ordinit, pertenis, or of law or consuetude is knawin necessar to pertene, or that I myself mycht do and I war present in proper persone: Firme and stabill haldand and for to hald all and quhatsumeuir thing my foresaid assignais in the premissis ledis to be done: In witnes of the quhilk thing to thir present letteris subscriuit witht my hand, my seill is affixit togidder witht the seill and subscriptioun of my said spous, in takin of his consent and assent to the premissis, at Linlithqw, the thrid day of Januare the yere of God I^{m} v^{c} and xxxi yeris, befoir thir witnes, Archibald Hammiltoun of Lethame, Gawane Kneland, Johnne Dunse, Schir Johnne Spittale, and Johnne Quhite, notare publik, witht vtheris diuers.

JAMES HAMMYLTON,

MARGARET LEVINGSTON, witht my hand at the pen.

99. LEASE by JAMES COLVILLE of East Wemyss to DAVID WEMYSS of that Ilk, of the third part of the coalheuch of West Wemyss. 27th July 1534.

I, JAMES COLUILL of Est Wemis, comptrollar to our Souerane Lord the Kingis Grace, granttis me to haif sett and for maill lattin, and be thir my present letteris, settis and to maill lattis to my weilbelouit frend, Dauid Wemis of that ilk, his airis, executouris, and assignais, all and

hail the thrid part of the coilheuche of West Wemis, for all and haill the dais and termis of thre yeris nixt and immediatlie follovinge the dait herof, the said Dauid, his airis, executouris, or assignais payand to me, my airis, executouris, or assignais herfore yerlie, the sovme of fiftie pvndis gud and wsuall mone of the realme at the terme of Lammes, callit aduincla Sancti Petri, (fre) quhat expens that euer be maid: And gif thar be xij salt pannis gangand, the said Dauid sall pay to me, my airis, executoures, and assignais yerlie induring the said thre yeris the sovme of tene pvndis abone the said sovme of l lib. to be alssone and how lang the said xij pannis gangis: And als I, the said James, sall haif my fyr colis fre, payand the hewing. Subscriuit with my hand, at the Est Wemys, the xxvij day of Julij in the yere of God ane thousand fif hundrith and thretty-four yeris, before thir witnes, Robert Coluile, Johne Mwreheid, Dauid Wallace, and Master Andro Kyrkaldy, notare publict, with vtheris diuers.

JA. COLUILE.

100. ACQUITTAL of DAVID WEMYSS of that Ilk for assault on DAVID BARCLAY of Cullernie. 15th January 1534-5.

JOHANNES BETOUN de Creicht, iusticiarius generalis regalitatis Sanctiandree, vniuersis et singulis ad quorum noticias presentes litere peruenerint, salutem: Noueritis quod in itinere iusticiarie regalitatis predicte, tento in pretorio ciuitatis Sanctiandree decimo quinto die mensis Januarii, anno Domini millesimo quingentesimo trigesimo quarto, comparuit coram nobis pro tribunali sedentibus honorabilis vir, Dauid Wemiys de eodem, indictatus, arrestatus ad dictum nostrum iter regalitatis Sanctiandree, sub plegio, ratione delicti infra regalitatem et ciuitatem Sanctiandree predictam commissi, per clericum nostrum iusticiarie predicte, accusatus pro crudeli inuasione Dauid Barklaye de Cullerny, suorumque seruitorum et complicum, per se,

suos seruitores et complices, infra palacium siue claustrum et ciuitatem Sanctiandree predictam, ex precogitata fellonia, decimo tercio die mensis Maii, anno Domini millesimo quingentesimo vicesimo septimo; qui per fidedignam assisam, coram nobis in dicto itinere iusticiario electam et admissam, de premissis singulis criminibus inculpabilis repertus et quictus fuerat: Et hoc omnibus et singulis quibus interest notum facimus per presentes. In cuius rei testimonium sigillum officii nostri regalitatis antedicte presentibus est affixum, apud Sanctumandream, anno, die, et mense predictis.

HENRICUS MEFFEN, arcium magister, clericus iusticiarie regalitatis predicte, notarius publicus. H. M. scripsit.

101. PRECEPT by KING JAMES THE FIFTH for cognition of the marches of Elcho. 5th August [1540].

JAMES, be the grace of God, king of Scottis, to oure schiref of Perth, and his deputis, greting: Forsamekill as it is humelie menit and schewin to ws be oure louit Dauid Wemis of that ilk, that quhair he hes the landis and barony of Elcho, with the pertinentis pertening to him in heretage, liand within oure schirefdome of Perth; quhilk vmquhile dame Jonet Gray, his stepmoder, had, and broukit in coniunct-fee, and in contentatioun of hir terce sen the feild of Flodoun, and deit in October lastbipast; and in hir tyme scho tholit and sufferit Alexander Dundas of Fingask, and his tenentis of his landis of Fingask nixt adiacent to the said Dauidis barony forsaid, to ryfe out, teill and saw the marcheis thairof, quhairthrou the said Alexander tendis to approper the samyn to him and his saidis landis wranguuslie, as is allegeit: Oure will is heirfore, and we charge you straitlie and commandis that incontinent thir oure letteris sene ye call baith the saidis partiis before you and tak cognitioun in the said mater,

and gif it beis fundin that the said Alexander and his tenentis of his saidis landis of Fingask hes wranguuslie revin out, telit, and sawin the marcheis of the said Dauidis barony forsaid, that ye caus thame to desist and ceis thairfra in tyme cuming, and to refound and pay to the said Dauid the dampnage and skaith sustenit be him thairthrow in thair defaltis, safer as thai will grant, or he may sufficientlie preve; and gif neid be, that ye poind and distrenye thairfore; and that ye in oure name and autorite arrest the cornis now growand vpoun the saidis marcheis, ay and quhill cautioun be fundin to do thairfore that accordis of the law; and that ye admit baith the saidis partiis iust and lauchfull defens, and do thame iustice in the said mater, as ye will ansuer to ws thairupoun; deliuering thir oure letteris be yow deulie execute and indorsat agane to the berare. Gevin vnder oure signet at Edinburgh, the fift day of August, and of oure regne the xxvij yeir.

Ex deliberatione dominorum consilii, etc.

J. CHEPMAN.

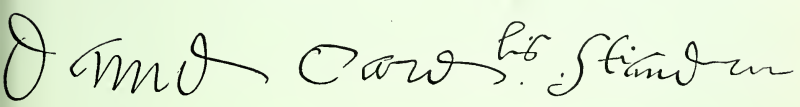
102. CHARTER by Cardinal DAVID BEATON, Archbishop of St. Andrews, to DAVID WEMYSS and MARION TOWERS, his wife, of the lands of Methill and Pirnie. 2d November 1542.

OMNIBUS hanc cartam visuris vel audituris, Dauid miseratione diuina titulo Sancti Stephani in Celio monte Sancte Romane ecclesie presbyter cardinalis, Sanctiandree Archiepiscopus, totius regni Scotie primas et Apostolice sedis legatus natus, necnon Mirapicensis ecclesie, in Gallia administrator, ac commendatarius perpetuus monasterii de Abirbrothok, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse et hac presenti carta nostra confirmasse, necnon presentium tenore

dare, concedere et hac presenti carta nostra confirmare dilectis nostris Dauid Wemys de eodem et Mariote Tovris sue sponse, ac eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus dicti Dauid quibuscunque, totas et integras terras nostras de Methill et Pyrne, cum molendinis granorum et fullonum et terris molendinariis earundem, et suis pertinentiis et pendiculis, iacentes in regalitatê nostra Sanctiandree et infra vicecomitatum de Fyiff': Quequidem terre de Methill et Pyrne, cum molendinis granorum et fullonum et suis pertinentiis ac pendiculis, fuerunt dicti Dauid perprius hereditarie; et quas et que idem Dauid, non ad hoc vi aut metu ductus nec errore lapsus, aut aliqua sinistra machinatione circumuentus, sed sponte et libere, in manibus nostris tanquam in manibus domini superioris earundem per fustem et baculum personaliter die date presentium sursum reddidit pureque et simpliciter resignauit, ac totum ius et clameum, proprietatem et possessionem, que in et ad predictas terras et molendina cum pendiculis et pertinentiis habet, habuit vel habere potuit, pro se et heredibus suis quieteclamauit imperpetuum: Tenendas et habendas totas et integras prenominatas terras de Methill et Pyrne, cum molendinis granorum et fullonum ac terris molendinariis earundem, et suis pertinentiis et pendiculis, prefatis Dauid Wemys de eodem et Mariote Tovris sue sponse, ac eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus dicti Dauid quibuscunque, de nobis et successoribus nostris Sanctiandree Archiepiscopis, in feodo et hereditate imperpetuum, prout dicte terre cum molendinis granorum et fullonum ac terris molendinariis et pendiculis ac pertinentiis iacent in longitudine et latitudine, per omnes rectas metas suas antiquas et diuisas, in domibus et edificiis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, siluis, nemoribus et virgultis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, lapicidiis, lapideque et calce, columbis, columbariis, cuniculis, cunicularis, fabrilibus, brasinis, brueriis et genestis, cum

curiis et earum exitibus, bludvetis, amerciamentis et mulierum merchetis, ac herieldis, cum communi pastura, liberoque introitu et exitu, ac cum omnibus aliis et singulis libertatibus, proficuis, commoditatibus, asiamentis et iustis pertinentiis, ad predictas terras, molendina, pendiculasque earundem spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento, reuocatione, impedimento aut obstaculo aliquali: Reddendo et faciendo nobis et successoribus nostris, Sanctiandree Archiepiscopis qui pro tempore fuerint, annuatim iura, onera et seruitia ac canam de dictis terris de Methill et Pyrne cum molendinis granorum et fullonum et terris molendinariis earundem cum suis pertinentiis et pendiculis prius debita et consueta, iuxta formam et tenorem antiqui infeofamenti earundem, tantum, pro omni alio onere, exactione, questione seu demanda, que de predictis terris, molendinis et earundem pertinentiis et pendiculis, per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et nos vero prefatus Dauid Cardinalis et Archiepiscopus Sanctiandree, et successores nostri, Sanctiandree Archiepiscopi, totas et integras prenominatas terras de Methill et Pyrne, cum molendinis granorum et fullonum ac terris molendinariis earundem et suis pendiculis ac pertinentiis, prefatis Dauid Vemys de eodem et Mariote Tovris, sue sponse, ac eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus dicti Dauid quibuscunque, in omnibus et per omnia, vt premissum est, varantizabimus, acquietabimus et imperpetuum contra omnes mortales defendemus. In cuius rei testimonium huic presenti carte nostre manibus nostris subscripte sigillum nostrum rotundum est appensum, apud Kyngourn Estir, die secundo mensis Nouembris, anno Domini millesimo quingentesimo quadragesimo secundo, et nostre consecrationis anno quinto; coram hiis testibus, reuerendo in Christo patre et domino, Andrea Dei et Apostolice sedis gratia Candidecase et Capelle Regie Striuilingensis episcopo, nobilique et potenti domino, Georgio comite de Rothes domino Lesly ac vice-

comite de Fyiff, et honorabili viro Roberto Aytoun de Inchderny, ac Johanne Ibdy et diuersis aliis.



103. Letters by Cardinal David Beaton, Archbishop of St. Andrews, appointing John Wemyss executor-dative to David Wemyss of that Ilk, his father. 27th May 1544.

Dauid miseratione diuina titulo Sancti Stephani in Celio monte sancte Romane ecclesie presbyter cardinalis, Sancti Andree archiepiscopus, totius regni Scotie primas et Apostolice sedis legatus natus, necnon Mirapicensis ecclesie in Gallia administrator, ac commendatarius perpetuus monasterii de Abirbrothok, vniuersis et singulis sancte matris ecclesie filiis ad quorum noticias presentes litere peruenerint, salutem in omnium Saluatore. Cum nobis ex pastorali officio ab intestato decedentibus, ne per eorum debitores, precipue infra nostram diocesim et iurisdictionem consistentes, qui eiis vita comite in aliquibus pecuniarum summis, aliisque rebus et bonis tenebantur astricti debito, ac eorundem etiam decedentium creditores credito respectiue suis aliquatenus fraudentur, quinymmo vt debita huiusmodi eiis ac credita sua creditoribus ipsis aliis debentia ad plenum respectiue persoluantur; executores datiuos eisdem pro debito huiusmodi recuperando ac credito soluendo; ac alias res et bona sua, debitis huiusmodi solutis super excrescentia ad vtilitatem prolium suarum; ac alias pro eorundem animarum salute, et in bonos et pios vsus discrete disponantur, deputare incumbit: Nouerit igitur vniuersitas vestra, quod cum alias prout nobis ex pastorali officio incumbebat executores testamentarios quondam

bone memorie Dauid Wemys de eodem, si qui ab eo ante eius obitum legitime constituti et nominati fuissent, omnesque alios et singulos sua communiter vel diuisim interesse habentes seu habere pretendentes, quosque infrascriptum tangebat negotium seu tangere poterat quomodolibet infuturum, per officialem nostrum Sanctiandree principalem et eiusdem literas patentes forma edicti publici confectas et sigillo sui officii sigillatas, ac debite executas et indorsatas, ad comparendum coram eo suisve commissariis, pluribus aut vno, certis die, hora et loco desuper assignatis, ad producendum et exhibendum coram eo seu eiis in iudicio fidele inuentarium omnium et singulorum tam pecuniarum quam victualium summarum et quantitatum, ac rerum iocalium et bonorum mobilium, obligationumque et contractuum, dicto quondam Dauid tempore sui decessus legittime spectantium et pertinentium, ac debitorum quorumcunque eidem Dauid ante eius obitum et tempore eiusdem decessus per quoscunque illius debitores, etiam ratione obligationum et contractuum seu actorum sibi quouismodo per quascunque personas factorum, aut alia quacunque de causa seu occasione debentium, et nondum sibi vita comite solutorum seu alias aliquatenus recompensatorum, et sibi similiter iuste pertinentium, et infra nostram diocesim Sanctiandree consistentium; si quod vita comite legitime condidit pro confirmatione eiusdem per nos auctoritate nostra ordinaria fienda; et cota desuper nobis iuxta ratam bonorum, rerum, summarum, iocalium et debitorum debentium predictorum infra prefatam nostram diocesim consistentium soluenda; alioquin ad videndum et audiendum executores datiuos prefato Dauid Wemys de eodem tanquam ab intestato decedenti per nos de et super omnibus et singulis bonis, rebus, pecuniarum et victualium summis et quantitatibus, ac iocalibus, contractibus, obligationibus, actis, assedationibus et debitis quibuscunque, dicto quondam Dauid tempore sui decessus debentibus, et sibi vt premittitur legittime spectantibus, ac infra prefatam nostram diocesim Sanctiandree consistentibus, ordinaria auctoritate dari, deputari, con-

stitui et concedi; cum intimatione debita, vt moris erat, vel ad allegandum causam rationabilem quare premissa omnia et singula fieri non deberent, legittime citari fecimus: Quibusquidem die et hora aduenientibus, et officiali nostro Sanctiandree principali prefato in capella Sancte Anne infra ciuitatem nostram Sanctiandree, loco consistoriali eiusdem solito et consueto, vt moris est, pro tribunali sedente; et prefatis suis literis citatoriis debito executis et indorsatis reportatis, instante nostro procuratore fiscali, prefatus noster officialis principalis executores testamentarios dicti quondam Dauid Wemys de eodem, si qui fuissent ab eo ante eius obitum legitime constituti et nominati, omnesque alios et singulos sua communiter vel diuisim, vt premittitur, interesse habentes seu habere pretendentes suprascriptos, generaliter et in genere ad hoc legitime citatos trina vice publica, altaque et intelligibili voce vocari fecerit: Tandem coram prefato nostro officiali principali, in iudicio personaliter comparuit discretus vir, magister Dauid Gaw, procurator legittimus per mandatum desuper in iudicio productum honorabilis viri Johannis Wemys, filii et heredis dicti quondam Dauid Wemys de eodem, et eo nomine procuratorio petiit eundem Johannem, tanquam proximiorem agnatum dicti quondam Dauid sui patris defuncti, in eiusdem executorem datiuum dari, confirmari et decerni: Et quia nulli alii comparuerunt ad dicendum, allegandum vel ob[i]iciendum verbo vel in scriptis contra premissa, in toto vel in parte, prefatus noster procurator fiscalis, citatorum, vocatorum et non comparentium predictorum contumatias accusauit; et in eorundem contumatie penam per prefatum nostrum officialem principalem prout iuris erat in premissis vlterius procedi instanter petiit et postulauit: Et quos citatos, vocatos et non comparentes, prefatus noster officialis principalis, prout merito reputandi erant, contumaces reputauit; eisque et eorum cuilibet in premissis omnibus silentium perpetuum imposuit; et in eorundem contumatie penam executores datiuos per nos dicta nostra ordinaria auctoritate et ad nostrum arbitrium dicto quondam Dauid Wemys de

eodem, tanquam ab intestato decedenti, de et super omnibus et singulis dicti quondam Dauid bonis, rebus mobilibus, pecuniarum et victualium summis et quantitatibus ac iocalibus, dicto quondam Dauid tempore sui decessus, vt premittitur, spectantibus et pertinentibus; ac debitis quibuscunque etiam ratione obligationum, contractuum et actorum, aut alia quacunque de causa seu occasione, eidem debentibus, et infra dictam nostram diocesim consistentibus, dari, deputari, constitui et concedi iudicialiter decreuerit et pronuntiauerit, prout in acto desuper confecto sub data diei Mercurii, vicesimi primi mensis Maii, anni Domini millesimi quingentesimi quadragesimi quarti, latius et plenius continetur: Nos igitur, prout ex pastorali officio incumbit, executorem datiuum dicto quondam Dauid Wemys de eodem, tanquam ab intestato decedenti, pro anime eiusdem salute et exoneratione, ac debitorum suorum creditoribus ne credito fraudentur satisfactione constituere et deputare, ac alias in premissis oportune prouidere de ordinarie nostre potestatis plenitudine, volentes; confisi primitus de prudentia et industria dicti Johannis Wemys, filii et heredis dicti quondam Dauid Wemys de eodem, ipsum Johannem executorem datiuum dicto quondam Dauid, suo patri, tanquam ab intestato decedenti, in et ad omnia et singula res et bona mobilia, ac pecuniarum et victualium summas et quantitates, ac iocalia, obligationes, contractus et acta, ac assedationes dicto quondam Dauid tempore sui decessus et ante legittime pertinentia et spectantia; ac debita quecunque sibi per quoscunque illius debitores, etiam ratione obligationum et contractuum quam etiam actorum prefatorum vigore, seu alia quacunque de causa vel occasione debentia, et nondum sibi vita comite soluta seu alias recompensata, et vt premittitur infra predictam nostram diocesim Sanctiandree consistentia, fecisse, dedisse, constituisse, deputasse et ordinasse, prout tenore presentium facimus, constituimus, damus, deputamus et ordinamus: Dantes, concedentes, et committentes prefato Johanni, executori datiuo antedicto, nostram veram liberam puram et expressam potestatem, ac

mandatum speciale, cum omnibus et singulis rebus et bonis mobilibus, ac pecuniarum et victualium summis et quantitatibus ac iocalibus dicto quondam Dauid Wemys de eodem tempore sui decessus et ante spectantibus et pertinentibus; ac debitis quibuscunque per quoscunque illius debitores, etiam ratione obligationum et contractuum seu actorum vigore, aut alias quacunque de causa seu occasione debentibus, et nondum sibi vita comite solutis seu aliquatenus recompensatis, et ut premittitur infra dictam nostram diocesim consistentibus, intromittendi, ac eadem in toto vel in parte prout sibi visum fuerit a quibuscunque personis ea vel aliquam eorundem partem quouismodo detinentibus, vel cum eisdem intromittentibus, repetendi, exigendi, leuandi, recipiendi et recuperandi, ac de habitis, receptis, exactis et leuatis quittandi et exonerandi; et si necesse fuerit, detentores, intromissores ac debitores predictos et eorum quemlibet, etiam nominatim per se respectiue et in speciale, ea occasione coram quibuscunque dominis iudicibus ecclesiasticis vel secularibus in iudicium vocandi et conueniendi, ac in forma iuris prosequendi; et quatenus opus fuerit et prout de iure pro eisdem namandi et distringendi; dictaque res et bona mobilia ac pecuniarum et victualium summas et quantitates, ac iocalia et debita debentia predicta in solutionem debitorum dicti quondam Dauid creditoribus suis; cum tamen debita huiusmodi per eum aliis debentia coram iudice competenti prius liquidata fuerint et iuxta ratam bonorum intromittendorum et non vltra, alias, aliter aut aliomodo; ac alias pro salute anime dicti quondam Dauid et in alios bonos et vtiles vsus, prout prefato Johanni executori datiuo antedicto videbitur expediens et oportunum, disponendi et distribuendi; ceteraque omnia alia et singula faciendi, dicendi, gerendi et exercendi, que in premissis et circa ea necessaria fuerint seu etiam quomodolibet oportuna, et que ad officium executoris datiui de iure vel regni consuetudine pertinere quouismodo dinoscuntur: Ratum gratum atque firmum habentes et habituri totum id et quicquid dictus Johannes executor datiuus in premissis seu eorum

aliquo rite duxerit faciendum, sub ypotheca et obligatione de iure competentibus. In cuius rei testimonium presentibus manu nostri secretarii subscriptis sigillum nostrum rotundum est affixum, apud castrum nostrum Sanctiandree, die vicesimo septimo mensis Maii, anno Domini millesimo quingentesimo quadragesimo quarto, et nostre consecrationis anno sexto.

Per dictum reuerendissimum patrem dominum Cardinalem et Archiepiscopum. Jo. Lauder, sst.

104. Letters by James Earl of Arran, Governor, allowing John Wemyss of that Ilk to hold courts of justice in time of harvest. 18th August [1544].

Marie, be the grace of God Quene of Scottis, to our louittis, Cuthbert Reche, our schireffis in that part, coniunctlie and seueralie, specialie constitute, greting: Forsamekle as our derrest cousing and tutour, James erll of Arrane, Lord Hammyltoun, protectour and gouernour of our realme, is informit that our louit Johnne Wemys of that ilk, intending to caus gude rewll and ordour to be kepit amangis his tenentis and inhabitantis of his landis and heretage, wald set and hald courtis for administratioun of iustice to thame thairin, howbeit he may nocht do the samyn now in the feriat tyme of hervist, without he be dispensit be ws thairupon: Our will is heirfor, and with avis, consent, and autorite of our derrest cousing and tutour, James erll of Arrane, Lord Hammyltoun, protectour and gouernour of our realme, we charge you straitlie and commandis that incontinent, thir our lettres sene, ye pas and in our name and autorite command and charge the said Johnne to sett and hald courtis vpon his landis and heretage, alsoft as he plesis, for administratioun of iustice and putting of gude rewll amangis his tenentis, inhabitantis thairof; dispensand with him thairupon nochtwithstanding the feriat tyme of hervist now instant:

The quhilk to do we commit to you, coniunctlie and seueralie, our full power be thir our lettres, deliuering thame be you deulie execute and indorsate agane to the berar. Gevin vnder our signet, and subscriuit be our said Gouernour, at Edinburgh, the xviii day of August, and of oure regnne the secund yeir. JAMES G.

[Indorsed] Vpone the xxi day of August, the yeir of God ane thowsand v^{c}xliiii yeris, I, Cuthbert Reche, messingere, schiref in that part within vrittin, past at command of thir oure Souerane Ladyis lettres, and chargit Johne Vemys of that ilk, personalie apprehendit, to sett and hald courtis vpone his landis and heretage, at his plesour, conforme to the tenour of this charge within specifiit: and this I did befor Johne Jakson, Patrik Trumbul, James Skathwie, and Robert Kendlew, with vtheris diuers: and for the verification of this my execution, vrittin and subscrifit with my hand, my seil of office is heirto affixit.

CUTHBERT RECHE,
Messingere, schiref in that part,
with my hand.

105. RETOUR of JOHN WEMYSS of that Ilk, as heir to his paternal aunt, ELIZABETH WEMYSS. 26th August 1544.

HEC Inquisitio facta fuit coram Alexandro Narne de Sandfurd, Willelmo Setoun de Rumgally, et Willelmo Lesly, vicecomitibus deputatis de Fiff, in curia vicecomitatus eiusdem, tenta in pretorio burgi de Cupro, per dispensationem temporis feriati, vicesimo sexto die mensis Augusti, anno Domini millesimo quingentesimo quadragesimo quarto, per hos subscriptos, Walterum Lundy de eodem, Johannem Strang de Balkesky, Alexandrum Meldrome de Sagy, Willelmum Scot de Balwery, militem, Willelmum Dischintoun de Ardros, magistrum Willelmum Lundy, Willelmum Gourlay de Kincrag, Johannem Traill de Blabo, Jacobum

Forsytht de Nydye, Stephanum Dudistoun de Sandfurd, Willelmum Lumisden de Ardre, Alexandrum Inglis de Tervat, Andream Wod de Largo, Alexandrum Myrtoun de Randilstoun, et Alexandrum Wemys de Lathoker: Qui iurati dicunt quod quondam Elizabet Wemys, amita Johannis Wemys de eodem, latoris presentium, obiit ad pacem et fidem supremi domini nostri regis vltimo defuncti, cuius anime propitietur Deus; et quod dictus Johannes Wemys, presentium lator, est legitimus et propinquior heres eiusdem quondam Elizabeth amite sue; et quod est legitime etatis: In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisicioni intererant facte, sub inclusione breuis regii intus clausi, sigillo officii vicecomitatus eiusdem, anno, die, et mense quibus supra, presentibus sunt appensa.

106. Retour of John Wemyss of that Ilk, as nearest agnate and administrator-in-law to David, son of David Wemyss of that Ilk. 26th August 1544.

Hec Inquisitio facta fuit coram Alexandro Narne de Sandfurd, Willelmo Setoun de Rumgally, et Willelmo Lesly, vicecomitibus deputatis de Fiff, in curia vicecomitatus eiusdem, tenta in pretorio burgi de Cupro, per dispensationem temporis feriati, vicesimo sexto die mensis Augusti, anno Domini j^{m} v^{c} quadragesimo quarto, per hos subscriptos, Walterum Lundy de eodem, Johannem Strang de Balkesky, Alexandrum Meldroum de Segy, Willelmum Scot de Balwery, militem, Willelmum Dischintoun de Ardross, magistrum Willelmum Lundy, Willelmum Gourlay de Kincrag, Johannem Traill de Blebo, Jacobum Forsytht de Nydye, Stephanum Dudistoun de Sandfurd, Willelmum Lumisden de Ardre, Alexandrum Inglis de Teruat, Andream Wod de Largo, Alexandrum Myrtoun de Randilstoun, et Alexandrum Wemys de Lethokere: Qui iurati dicunt quod Johannes Wemys de eodem est propinquior agnatus, id est consanguineus, Dauid Wemys, filio quondam Dauid Wemys de

eodem; et quod ille propinquior excessit etatem viginti quinque annorum; et est sue rei prouidus et potens cauere idonee de administratione rei aliene, prestita cautione. In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisitioni intererant facte, sub inclusione brevis regii intus clausi, sigillo officii viceconitatus de Fiff predicti, anno, die, et mense quibus supra, presentibus sunt appensa.

107. Retour of John Wemyss, as heir to his father David Wemyss of that Ilk. 19th February 1544-5.

Hec Inquisitio facta fuit coram nobili et potente domino, Georgeo comite de Rothes domino Leslie ac vicecomite de Fiff, Alexandro Narne de Sandfurd, vicecomite deputato, coniunctim et diuisim, in curia vicecomitatus eiusdem, tenta in pretorio burgi de Cupro, decimo nono die mensis Februarii, anno Domini millesimo quingentesimo quadragesimo quarto, per hos subscriptos, Johannem Traill de Blebo, Walterum Lundy de eodem, Jacobum Forsytht de Nyde, Michaelem Tullos de Hilcarny, Willelmum Ramsay de Brakmont, Jacobum Sibbald de Vuir Rankelour, Johannem Setoun de Lathrisk, Georgeum Clapone de Kerslogy, Willelmum Mortoun de Cammo, Willelmum Ballingall de eodem, Dauid Auchmoty de Est Ferny, Dauid Schethome de Skelpy, et Johannem Scheves de Kenbok: Qui iurati dicunt quod quondam Dauid Wemys de eodem, pater Johannis Wemys, latoris presentium, obiit ad pacem et fidem supreme domine nostre regine; et quod dictus Johannes Wemys, presentium lator, est legitimus et propinquior heres eiusdem quondam Dauid Wemys, patris sui. In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisitioni intererant facte, sub inclusione breuis regii intus clausi, sigillo officii vicecomitatus de Fiff, anno, die, mense, et loco quibus supra, presentibus sunt appensa, etc.

108. Protest by Griselda Wemyss, widow of Andrew Kinninmonth, against the Laird of Balmuto, for labouring the coalheugh of Drumdonald. 21st October 1545.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Dominice incarnacionis m°v^co^xlv°, mensis vero Octobris die xxj°, indictione quarta, pontificatus sanctissimi in Christo patris et domini nostri, domini Pauli diuina prouidencia Pape tercii anno xij°, in mei notarii publici et testium subscriptorum presencia personaliter accessit honesta mulier, Grisilida Wemys, relicta quondam Andree Kynnynmont, ad carbocidium de Drumdonald, et ibidem dixit carbonariis et seruitoribus domini de Balmowto hec verba sequencia wlgari lingua, videlicet, Your master the lard of Balmowto dois grit wrang to me in laboring and intromitting with the haill coillis and proffet of this heuch, quhilk is within the boundis and merchis of Powguld pertening to me; and tharfor protestis for the remeid of law. De et super quibus omnibus et singulis dicta Grisilida a me notario publico subscripto peciit instrumentum et instrumenta: Acta erant hec omnia et singula apud dictum carbocidium, horam circiter decimam ante meridiem, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem honestis viris, domino Andrea Myllar, domino Allexandro Robertsone, capellanis, Andrea Falconar et diuersis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego vero Andreas Kirkcaldy, presbiter Sanctiandree diocesis, publicus sacra apostolica autoritate notarius, quia [*etc., in forma communi*].

109. Bond of Maintenance by Cardinal David Beaton, Archbishop of St. Andrews, to John Wemyss of that Ilk. 9th November 1545.

We, Dauid, be the mercy of God Cardinall Archbischope of Sanctandrois, primate, legate nate and de latere of all Scotland, adminis-

tratour of Mirapoix, and commendatour perpetuall of the abbay of Abirbrothok; that forsamekle as ane rycht honorable man and our rycht traist cousing, Johnne Wemys of that ilk, for certane grete plesouris, thankis, and gratitudis done and to be done till him be vs, hes gevin and maid till vs band and obligatioun to serue vs lelely and trevly, induring his naturall lyif and ouris, and be him self, his kyn, freyndis, seruandis, assistaris, and part takkaris, and all vtheris that wil do for him, to tak our plane and afald part in all and syndry our causis, actionis, questionis, and querelles, leifsum and honest, als vele anentis the defence of our persoun and honour as our prelaciis, beneficys, and gudis that we haue presently and sall happin to haue in ony tyme to cum, as at mair lentht is contenit in his band and obligatioun maid till vs thareupoun: Quharefore, in semblable maner, we bynd and oblissis vs, be the treutht and faitht in our body, to maneteine and defend the said Jhonne Wemys of that ilk, as ane gude lord aucht and suld his seruand, and sall tak his plane and afaild part be our self, our kyn, freyndis, assistaris, and parttakkaris, and all vtheris that will do for ws, in all and syndry his causis, actionis, questionis, and querelles, leifsum and honest, als vele anentis the defence of his persoun and honour, as his heretagis, landis, rentis, and possessionis that he hes presentlye, or sall happin to haue or brouke in ony tyme to cum, and that aganis all man, levand or dee ma, oure allegiance to the Quenys Grace our souerane lady, and the auctorite of the croun of Scotland being allanerly reseruit and exceppit; and sall nothir wytt, see, heir, nor vnderstand his dammage nor skaitht, in his persoun, honour, or fame, or yit in his heretagis, landis, rentis, or possessionis, bot sall reuele the sammin vnto him be oure self, or be sum secrete myd persoun on our name, and sall stop and latt the sammin at the vtermast of our power; and the consell at he sall plese to schaw till vs, sall kepe the sammin secrete, and neuer to discloiss the sammin to his dishonour, dammage, or skatht; and gif he in ony tyme to cum plesis to ask or desire ony consell at ws in his affares, we sall geve him the

best we can, to his honour, proffeit, and plesour. And in witnessing hereof we haue subscriuit this our band of maneteinance with our hand and affixit our rovnde sele thairto, at our castell of Sanctandrois, the nynt day of Nouember, the yere of God i^m v^c and fourty five yeris.

DAUID, Card^lis. Legatus.

110. CHARTER by GEORGE CLAPPERTON, Provost of Trinity College Church, to JOHN WEMYSS of that Ilk, of the Kirklands of Easter Wemyss. 24th January 1545-6.

OMNIBUS hanc cartam visuris vel audituris, dominus Georgius Clappertoun, prepositus ecclesie collegiate Sancte Trinitatis prope Edinburgh, prebendarii et capellani eiusdem, salutem in Domino sempiternam. Noueritis vnanimi consensu et assensu ad hoc capitulariter congregatos, necnon cum consensu et auctoritate serenissime principisse Marie Dei gratia nostre patrone, suique tutoris et gubernatoris, acetiam cum consensu et autoritate reuerendissimi in Christo patris, Dauid archiepiscopi Sanctiandree, cardinalis ac legati ordinarii, vtilitateque nostra et successorum nostrorum vndique preuisa et pensata, diligentibus tractatibus et maturis deliberationibus prehabitis, in euidentem vtilitatem dicti nostri collegii, et augmentationem rentalis eiusdem extendentem annuatim ad summam viginti solidorum monete Scotie plusquam vnquam terre subscripte prius nobis aut predicessoribus nostris persoluerunt, ac ad decorem et policiam reipublice regni et contemplationem statutorum parliamenti desuper editorum, necnon pro magnis pecuniarum summis nobis ad reparationem dicti nostri collegii per honorabilem virum Johannem Wemis de eodem persolutis, et aliis gratitudinibus, auxiliis et benemeritis, nobis per eum multipliciter prestitis et impensis, dedisse, concessisse, assedasse, arrendasse, locasse et ad feodifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, assedare, arrendare, locare et ad feodifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare prefato Johanni Wemis de eodem, heredibus

suis et assignatis, totas et integras terras nostras ecclesiasticas de Eister Wemis, necnon terras nostras de Kirktoun, cum domibus, edificiis, ortis, pomeriis, toftis, croftis earundem, et singulis suis pertinentiis, iacentes infra vicecomitatum de Fife; exceptis tamen et reservatis nobis, dicto domino preposito, et successoribus nostris prepositis dicte ecclesie, principali vicarii mansione ex boriali, cum crofta eidem pertinente ex orientali partibus dicte mansionis iacente, necnon camera et orto, cum duabus acris terrarum per vicarium pensionarium dicte ecclesie nunc occupatis ex occidentali partibus et singulis suis pertinentiis: Tenendas et habendas totas et integras prenominatas terras ecclesiasticas de Eister Wemis, necnon terras de Kirktoun, cum domibus, edificiis, ortis, pomeriis, toftis, croftis earundem, et singulis suis pertinenciis, exceptis prius exceptis, prefato Johanni Wemis, heredibus suis et assignatis, de nobis et successoribus nostris, qui pro tempore fuerint, in feodifirma et hereditate imperpetuum, per omnes rectas metas suas [etc.]. Reddendo inde annuatim dictus Johannes, heredes sui et assignati, nobis, et successoribus nostris qui pro tempore fuerint, computando et allocando firmas pecunie cum gressumis, triginta octo marcas decim solidos et sex denarios, tanquam firmam et gressumam ante presentem infeodationem pro dictis terris solui solitam et consuetam et in dicto nostro rentali prius contentam, vnacum dicta summa viginti solidorum in augmentationem dicti nostri rentalis, extendentes in integro ad summam quadraginta marcarum duorum solidorum et decim denariorum, ad duos anni terminos consuetos, Penthecostes, videlicet, et Sancti Martini in hyeme, per equales portiones; insuper heredes dicti Johannis duplicando dictam feodifirmam vnius anni eorum primo introitu ad prenominatas terras, prout usus est, nomine feodifirme tantum; pro omni alio onere [etc.]. Volumus etiam si contingat nos, successores vel factores nostros, in possessione et gauisione fructuum dicte vicarie, domorum, edificiorum, terrarum, oblationum, aut emolumentorum eiusdem quorumcumque, solitorum et consuetorum, per dictum Johannem, heredes suos vel per quos quibus

impedire poterit vel poterint, perturbari, molestari, vel inquietare; aut si contingat dictam feodifirmam ad dictos terminos vel infra quadraginta dies post quemlibet terminum minime fore persolutam infuturum, eo casu presens locatio feodifirme nullius erit roboris vel efficatie, sed licitum erit nobis et successoribus nostris super dictis terris, prout de presente possumus, absque impedimento dicti Johannis vel heredum suorum, libere disponere, prout nobis videbitur expediens: Et nos uero prefati prepositus dicte ecclesie, prebendarii et capellani eiusdem, successoresque nostri qui pro tempore fuerint, totas [etc.]. In cuius rei testimonium sigillum commune capituli dicti nostri collegii huic presenti carte nostre manibus nostris subscripte est appensum, vnacum sigillo secreto dicte nostre principisse, manualique subscriptione dicti sui tutoris, sigilloque rotundo et subscriptione dicti domini Cardinalis Sanctiandree archiepiscopi, legati antedicti, in signum eorum consensus et assensus ad premissa; apud Edinburgh, vicesimo quarto die mensis Januarii, anno Domini millesimo quingentesimo quadragesimo quinto; coram hiis testibus, Roberto Aitoun de Dunmure, Willelmo Craufurde de Brochtoun, Mychaele Tullo de Hilcairny, Matheo Sprewle, domino Jacobo Wycht, capellano, Johanne Portows et Alexandro Makneill, notariis publicis, cum diuersis aliis.

JAMES G.

DOMINUS GEORGIUS CLAPPERTOUNE, prepositus Sancte Trinitatis prope Edinburgh.

Magister JOHANNES LOGAN, decanus, manu propria.

JOHANNES LYTHQW.

JACOBUS WALDY, manv propria.

JOHANNES LEIRMONTH, manu propria.

ADAMUS FRANCHE, sacrista.

DAUID, Card[lis] S[ti] Andree Legatus.

ALEXANDER BALFOUR, manu propria.

DAUIT SYM, manw propria.

DOMINUS VILELMUS ZOUNGAR, manu propria.

WILLELMUS TEMPILL, manu propria.

111. Retour of John Wemyss of that Ilk, as heir to his father, David Wemyss of that Ilk, in Wester Wemyss. 2d March 1545-6. [Extract.]

Hec Inquisicio facta fuit coram Dauid Spens de Wylmastoun, vicecomite deputato de Fiffe, in curia vicecomitatus eiusdem, tenta in pretorio burgi de Cupro, secundo die mensis Marcii, anno Domini millesimo quingentesimo quadragesimo quinto, per hos subscriptos, Willelmum Bonar de Rossy, Dauid Balfour de Dovene, Willelmum Ramsay de Brekmont, Georgium Ramsay de Cletty, Dauid Schethome de Skelpy, Dauid Lindesay de Kirkforthir, Georgium Clapane de Kerslogy, Willelmum Berclay de Toucht, Dauid Murray de Balvard, militem, Andream Kinloch de Luthrye, Thomam Grundistoun de Kingask, Jacobum Sibbald de Ouir Rankelour, Willelmum Scot de Myldene, Robertum Patersoun de Dunmure Eister, Andream Aitoun de Dunmure, Alexandrum Inglis de Tervat et Franciscum Tullois [de] Hilcarny : Qui iurati dicunt quod quondam Dauid Wemys de eodem, pater Johannis Wemys de eodem, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem supreme domine nostre Regine, de omnibus et singulis terris et baronia de Westir Wemys, Wemys schyre nuncupatis, cum annexis et pendiculis eiusdem subscriptis, videlicet, terris de Westir Wemys cum villa et burgo eiusdem, carbonariis ac salinis vulgo saltpannis, cum pertinenciis eiusdem, terris de Litil Lvn, molendino vocato Camerone Mylne, Donyface, Petconowye, Westir Tervat, Westir Drone et Hildrone cum suis pertinenciis, iacentibus infra vicecomitatum de Fiffe, tercia parte terrarum de Strethardill, dimedietate terrarum de Ardargy, terris de Kynnard cum pertinenciis, iacentibus infra vicecomitatum de Perth, et per annexationem et vnionem incorporatis dicte baronie iacenti infra vicecomitatum de Fiffe, cum pendiculis lie outsettis, molendinis, multuris, tenentibus, tenandriis ac libere tenencium seruiciis cum suis

pertinenciis ; ac eciam de omnibus et singulis terris de Povgulde, Litill Raith et Glennistoun, cum tenentibus, tenandriis ac libere tenencium seruiciis earundem et suis pertinenciis ; necnon de sexta parte terrarum de Westir Wemys, que Roberto Cunynghame de Polmais olim pertinebat, iacentibus infra vicecomitatum de Fiffe : Et quod prefatus Johannes presentium lator est legitimus et propinquior heres dicti quondam Dauid, sui patris, de omnibus et singulis predictis terris et baronia suprascripta, cum molendinis, multuris, lie outsettis, tenentibus, tenandriis ac libere tenencium seruiciis earundem, cum carbonariis ac salinis suprascriptis et omnibus suis pertinenciis : Et quod est legitime etatis : Et quod dicte terre et baronia de Westir Wemys, cum tenentibus, tenandriis ac libere tenentium seruiciis earundem, annexis, pendiculis, lie outsettis, molendinis, multuris et suis pertinenciis, valent nunc per annum ducentis quadraginta septem libris monete regni Scocie, et tempore pacis valuerunt quadraginta nouem libris quinque solidis eiusdem monete : Et quod prescripte terre de Povgulde, Litill Raith et Glenistoun cum pertinenciis valent nunc per annum xvj libris, et tempore pacis iiij libris : Et quod suprascripta sexta pars de Westir Wemys valet nunc per annum vj libris xiij solidis iiij denariis, et tempore pacis xl solidis : Et quod dicta baronia cum pertinenciis et omnes et singule terre suprascripte tenentur in capite de suprema domina nostra Regina per seruicium warde et releuii : Et quod fuerunt et nunc existunt in manibus ipsius serenitatis per spacium vnius anni et nouem mensium vltimo elapsorum a tempore decessus memorati quondam Dauid, ob causam mortis eiusdem, in defectu dicti Johannis ius suum hucusque minime prosequentis. In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisicioni intererant, sub inclusione breuis regii intus clausi, sigillo officii vicecomitatus prescripti, anno, die et mense quibus supra, presentibus sunt appensa.

Hec est vera copia principalis retornatus super premissis rema-

nentis in cancellaria supreme domine nostre Regine, copiata et collationata per me Willelmum Ogill, deputatum directoris eiusdem, sub meis signo et subscriptione manualibus.

W. Ogill, etc.

112. Gift by Patrick Earl Bothwell, Admiral of Scotland, to John Wemyss of that Ilk, of a pinnace wrecked at St. Monance. 8th June 1549.

Be it kend till all men be thir present letteris, ws, Patrik erle Boithuile, admirall of Scotland, for diuers and sindrie gratitudis and plesouris done and to be done to ws be ane honorable man, Johnne Wemys of that ilk, to haue gevin, grantit, and disponit, and be the tennour heirof, gevis, grantis, and disponis to the said Johnne, his airis and assignais, ane or ma, ane pynnische, quhilk wes drownit at Sanct Mynnanis, in the moneth of September last bipast, now pertening to ws be resoun of eschete throw rycht and priuilege of admiralite grantit to ws and our predecessouris as admirallis of Scotland be oure souerane ladeis maist noble predecessouris of gude mynd quham God assolze. Quhilk pynnische perischit at Sanct Mynnanis, and eftirwart wes recoverit and relevit, and now is in the handis and possessioun of Maister Johnne Arnot, Thomas Adesoun, Alexander Adesoun, and certane vtheris partinaris thairof: to be haldin and to be had, the said pynnische, with all artalzerie and gudis quhilk wes within the samin the tyme of hir perissing foirsaid, to the said Johnne Wemys of that ilk, his airis and assignais, with power to thame to intromet and tak the said pynnische, with all artalzerie and graith quhilk wes within the samin the tyme foirsaid, and thairupoun to dispone at thair plesour, and with all and sindrie vther commoditeis, fredomes, proffittis, and pertinentis quhatsumeuir pertening or rychtuslie may pertene thairto be resoun of our priuilege foirsaid, frelie, quietlie, wele, and in peax, but ony reuo-

catioun, impediment, obstakle, or agane calling quhatsumeuir. In witnes heirof to thir present letteris subscriuit with oure hand oure seill is affixit, at the Armitage, the aucht day of Junii, the yer of God j^{m} v^{c} xlix yeris, before thir witnes, Schir Jhone Martyn, Jhone Archar, Jhon Brovn, with vtheris diuers. Amirall.

113. Bond of Maintenance by John Hamilton, Archbishop of St. Andrews, to John Wemyss of that Ilk. 21st March 1549-50.

We, Johnne, be the mercy of God Archbischope of Sanctandrois, primate, legate nate of all Scotland, and commendatour perpetualle of the abbay of Paslay, that forsamekill as ane richt honorable man and oure rycht traist cousing, Jhonn Wemys of that ilk, for certane greit plesouris, tankis, and gratitudis done and to be done to him be ws, hes gevin and maid till ws band and oblist to serue ws lelely and trewlie, induring his naturale lyfe and owris, and be him self, his kyn, freindis, seruandis, assistaris, and part takaris, and all vthiris that will do for him, to tak our plane and anefauld parte in all and syndre oure causis, actionis, questionis, and querrellis, lesum and honest, als weill anentis the defence of oure persoun and honour as oure prelaciis, beneficis, and gudis that we haif presentlie and salhappin to haif in ony tyme to cum, as at mair lenth is contenit in his band of obligatioun maid to ws thairvpoun: Quhairfore in semblable maner we bynd and oblis ws, be the treuth and fayth of oure body, to manteine and defend the said Johnne Wemys of that ilk, as ane gude lord aucht and suld his seruand, and sall tak his plane and afauld parte be our self, our kin, freindis, assistaris, and part takaris, and all vtheris that will do for ws, in all and syndre his caussis, actionis, questionis, and querrellis, lesum and honest, als weill anentis the defence of his persoun and honour as his heretagis, landis, rentis, and possessionis that he hes presentlie,

or salhappin to haif or brouk in ony tyme to cum, and in recouering of his auld heretagis, and that aganis all man levand or dee may, oure allegiance to the Quenis Grace oure souerane lady, and the auctorite of the croun of Scotland, being allanerlie reseruit and exceptit; and sall nothir wit, se, heir, nor vndirstand his dampnage nor skayth in his persoun, honour, or fame, or yit in his heretages, landis, rentis, or possessionis, bot sall reuele the samyn vnto him be ourself, or be sum secreit mynd and persoun on oure name, and sall stop and lat the samyn at the vtirmest of our power; and the counsale that he sall pleis to schaw to ws, sall keip the samyn secreit, and neuir to disclois the samyn to his dishonour, dampnage, or skayth; and gif he in ony tyme to cum plesis to ask or desyre ony counsale at ws in his afferis, we sall gif him the best we can to his honour, proffict, and plesour. And in witnes heirof we haif subscrivit this oure band of manteinance with oure hand, and affixit oure round seill thairto, at [Edinb]urgh, [o]n the xxi day of Marche, the yeir of God ane thousand five hundreith fourty-nyne yeiris.

JHONE,
Archibischop of Sanctandrois.

114. COMPOSITION for Remission of Offences to JOHN WEMYSS, of that Ilk. 8th August 1553.

COMPONITUR pro remissione cum Johanne Wemes de eodem, infra vicecomitatum de Fyff commorante, pro ipsius proditoria remanentia ab exercitibus supreme domine nostre Regine preteritis quibuscunque, et pro omnibus actione et crimine que ei inde quouismodo imputari poterint, necnon pro omnibus aliis actionibus, transgressionibus, criminibus et offensis quibuscunque per dictum Johannem vllis temporibus elapsis vsque in diem date presentium commissis, seu quomodolibet perpetratis; proditoria traditione in personam supreme domine nostre Regine et sui tutoris, omnibus aliis proditionibus, incendio,

murthuro, homicidio, mutilatione, mulierum raptu, furto, receptione furti, spoliatione ecclesiarum, defortiatione officiariorum, laceratione litterarum reginearum, seu ordinariorum oppressione per brigantiam, conuocatione ligeorum dicte Regine in festo Penthecostes vltime elapso contra statuta desuper confecta, receptione, supplemento et intercommunicatione cum proditoribus declaratis dicte Regine, et inobedientia facta Georgio comiti de Rothes locumtenenti infra bondas de Fyff, pro resistentia veterum Anglie inimicorum dictas bondas inuadentium, dumtaxat exceptis. Subscriptum per dominos compositores, apud Cowper, octauo die mensis Augusti, anno Domini millesimo quingentesimo quinquagesimo tertio.

Compositio l^ii^. JOANNES The^us^
DUNFERMLYN.
R. CARNEGY.

115. REMISSION by MARY, QUEEN OF SCOTS, to JOHN WEMYSS of that Ilk, for treason. Dated 13th March 1553-4.

MARIA Dei gracia Regina Scotorum, omnibus probis hominibus ad quos presentes litere peruenerint, salutem. Sciatis quia ex nostris gracia et fauore specialibus, cum auisamento et consensu charissimi consanguinei et tutoris nostri, Jacobi ducis de Chattellarault Aranie comitis domini Hammiltoun, regni nostri protectoris et gubernatoris, remisimus rancorem animi nostri, sectam reginalem et omnem actionem quem et quas concepimus, habemus aut quouismodo habere poterimus erga Johannem Wemis de eodem, latorem presentium, pro eius proditoria expeditione, ordinato bello et vexillo distento, cum Willelmo olim comite a Glencarne, in mense Maii anno Domini millesimo quingentesimo quadragesimo quarto, super lie mure de Glasgow aduersus dictum nostrum gubernatorem facta, quibus mediis illum tum nostram reginalem personam representantem et authoritatem gerentem potuerat inuadere conando; ac pro omnibus actione et

crimine que inde sequi aut ob id illi imputari poterint, ac pro omnibus aliis actionibus, criminibus, proditoriis transgressionibus et offensis quibuscunque per eum commissis seu perpetratis vllis temporibus retroactis ante diem date presentium; proditoria traditione in nostram propriam personam reginalem et personam dicti nostri gubernatoris dumtaxat excepta, dummodo partibus conquerentibus et dampna passis taliter satisfaciat quod nullam super hoc decetero iustam querimoniam audiamus: Et supradictum Johannem sub firma pace et protectione nostra iuste suscipientes, firmiter inhibemus ne quis ei, occasione dicte expeditionis aut aliarum actionum, transgressionum, criminum et offensarum predictarum, malum, molestiam, iniuriam seu grauamen aliquod inferre presumat iniuste super nostram plenariam forisfacturam; aut mortem ei inferat, sub pena amissionis vite et membrorum. In cuius rei testimonium has literas nostras remissionis pro toto tempore vite dicti Johannis duraturas sub nostro magno sigillo sibi fieri fecimus patentes, apud Edinburgh, decimo tercio die mensis Marcii, anno Domini millesimo quingentesimo quinquagesimo tercio, et regni nostri duodecimo.

On Tag: Remissio Johannis Wemys de eodem etc.

116. Absolution by John Hamilton, Archbishop of St. Andrews, to John Wemyss of that Ilk, freeing him from excommunication. 6th April 1555.

Joannes miseratione diuina Sanctiandree Archiepiscopus, totius regni Scotie primas ac legatus natus, et monasterii de Pasleto abbas, necnon cum potestate legati de latere sanctissimi domini nostri Pape et sancte sedis Romaneque ecclesie Apostolice legatus specialiter constí[tu]tús, dilecto nostro oratori, curato de Wemes, seu cuicunque alteri capellano, super presentium executione debite requisito, salutem cum benedictione diuina: Vobis absoluendi in forma ecclesie, vt moris est, honorabilem

virum, Joannem Wemes de eodem Wester, a sententia excommunicationis et aliis censuris ecclesiasticis quam seu quas incurrebat, virtute literarum excommuni[ca]torialium, super quodam acto in libro domini officialis nostri Sanctiandree principalis, registrato et confecto probo viro, Georgio Clapen de Carslogy, pro solutione summe centum librarum monete Scotie debite eidem, quam summam dictus Joannes Wemes de eodem numerauit et consignavit ad manus nostras in fauorem dicti Georgii Clapen de Cerslogy, nostram hac vice tenore presentium committimus potestatem, et in Domino impertimur facultatem specialem. Datum sub nostris subscriptione manuali et signeto, apud castrum nostrum Sanctiandree, vi° die mensis Aprilis, anno Domini i^m v^c l quinto, consecrationis nostre anno nono, et translationis nostre ad nostram primatialem sedem Sanctiandree anno vi°.

J. Sanctiandree legatus.

vii° die mensis Aprilis, ego dominus Robertus Dalsoun, curatus de Vemis, suprascriptum Joannem Vemis de eodem secundum tenorem presentium absolui a sententia excommunicationis et aliis censuris ecclesie, teste manu propria.

117. Minute of Contract for the Marriage of David Barclay of Cullernie, and Margaret Wemyss, daughter of John Wemyss of that Ilk. 27th November 1555.

Memorandum. On Wadnysdaye the xxvij of Nouembre anno Domini l. fyif yeiris, it is apwntit and fynellye endyt betuyx honorabill personis, that is to saye Jhone Wemys of that ilk, and Margret Wemys his douchter, on that ane part, and Dauyd Barkclaye of Cullairnye, on that vthir part: That is to saye, the said Dauyd sall haue in mariege the said Margret, and sall marye hir in all gudlye hast, in the faice of haille kirk; and the said Dauyd sall gif and infeft in coniunctfe the

said Margret, to hir and the airis gottyn betuyx hym and hir; failyeande the airis laufulle gottyn betuyx hym and hir, cumand to the said Dauyd and his airis, videlicet, in primis, the twa Kynsleuis, Estir and Wastir, Kilmaron, the twa part of the landis thairof, wyth the xviij merk of the lard of Lauthriks part of the said landis, and the half landis of Byn and Kynnard. For the quhilk caus the said Jhone sall content and pey to the said Dauyd the soum of xiiij^{c} merkis vsuale monye of this realme in toucher gud wyth the said Margret, at termis as efter fallowis, videlicet, at Martymes nyxt eftir this present dait, vij^{c} merkis, the said vij^{c} merkis to the effect to redeyme the forsaidis landis to the said Margret to be pwt in coniuntfe thairof; and the rest in compleit peyment of the xiiij^{c} merkis, xl dayis afor the Martymes in anno Domini lvij yeris. And this sayd memorell to be put in dew forme and to be actit in the officellis bukis of Sanctandrois. And for the mair securite and fillfillnyng of this presentis, bayth the saidis parteis hes subscriu[i]t this presentis wyth bayth thair handis at Wemys, day and place abon writin, befor thir wytnes, Jhon lord of Coudingam, Andro Aitton of Dynmwr, Hendrye Orme of Mwgdrom, Peter Barkclay, and Schir Cuthbert Robertson, wyth vther diuers.

Jhon Wemys off that ilk, wyth my hand.

Dauid Barclay of Cullerny, wt my hand.

118. Contract between John Wemyss of that Ilk, and Margaret Otterburn, his wife. 2d December 1556.

At Edinburgh, the secund day of December, the yeir of God j^{m}v^{c}lvj yeris, in presens of the Lordis of Counsale vndirwrittin, that is to say, venerabill fatheris in God, George, commendatair of Dunfermeling, Gawin, commendatair of Kilwynning, Maister Henry Sinclair, dene of Glasgu, Maister Johne Sinclair, dene of Restalrig, Maister Abrahame Creychtoun, provest of Dunglas, Maister Johne Steuestoun, chantour

of Glasgu, Maister Williame Baillie, Lord Provand, Maister James Scott, provest of Corstorphin; Schiris Johne Campbell of Lundy, Williame Hamiltoun of Sanchair, Robert Carnegy of Kynaird, knychtis; Maister Henry Lauder, aduocat to oure souerane lady, Maister Alexander Levingstoun of Donepace, Maister Thomas Marioribankis of Ratho, and Maister Johnne Gledstanis, licentiat in the lawis; comperit Maister Dauid Borthuik, procuratour specialie constitute be this present contract for Johne Wemys of that ilk and his souirteis vndirwrittin, and Maister Richard Strang, procuratour specialie constitute be the samin contract, for Margaret Ottirburne, douchter lauchfull of vmquhile Schir Adame Ottirburne of Reidhall, knycht, and gaif in this contract and appunctment efter following, subscriuit as the samin beris, and desyrit the samin to be insert and registrat in the bukis of counsale, and to haue the strenth of ane act and decreit of the lordis thairof, and executoriallis of horning or poynding to pas thairvpoun in forme as efferis. The quhilk desyir the saidis lordis thocht ressonabill, and ordanit the said contract and appunctment to be registrat in the saidis bukis, and to haue the strenth of thair act and decreit in tyme to cum, and letteris and executoriallis of horning or poynding to pas thairupoun in forme as efferis, of the quhilk the tenour followis:—It is appunctit, aggreit, and finallie endit betuix ane honorabill man, Johne Wemys of that ilk, one that ane pairt, and Margaret Ottirburne, lauchfull douchter to vmquhile Schir Adame Ottirburne of Reidhall, knycht, one that vthir pairt, in maner as followis: That is to say, the said Johne sall infeft sufficientlie, be chairtir and sesing in dew forme, the said Margaret in lyifrent in all and haill his landis, houssis, and biggyngis of Newtownis, Eister and Waster, with the mylne and mylne landis of Cameron, with the haill multuris pertening thairto, with all thirleage and sukkin thairof vsit or wont, pertening or that may pertene thairto, be all boundis, methis, and marchis thairof lyand within the schirefdome of Fyif, to be haldin of him self in fre blanche for

yeirlie payment of ane penny gif it be askit alanerlie; and that in full and compleit payment and satisfactioun of all sowmes of money and gudis that the said Margaret may clame fra him for ony causis bipast, and specialie for hir tochir gude; and the said Johne sall mak the saidis landis and mylne to be worth yeirlie to the said Margaret during hir lyiftyme twa hundreth merkis money of this realme of penny male; and he, his airis and subtenentis, to haif the labouring, setting and rasing thairof at thair plesour; and he and his airis sall pay yeirlie tua hundreth merkis money foirsaid thairfoir at Witsonday and Martimes be equale portionis, during hir lyiftyme; and sall warrand the samin for all causis bigane and to cum frelie to hir, fra all wardis, relevis, nonentres, recognitionis, forfaultour, annuellis, prevay or patent sesingis, takkis, contributionis, and all vthir impositionis and inconuenientis that may fall or may be imput to the saidis landis and mylne ony tyme bygane and to cum, sua that scho in all aventour and chance sall peceablie bruke and vplift the said tua hundreth merkis as for the penny male thairof for hir lyiftyme; and sall begyn the first termes payment thairof in hand as for the feist of Martymes last bipast, extending to ane hundreth markis, quhairof scho grantis hir to haif ressauit fifty merkis befoir the making heirof: With power to hir to poynd and distrenze yeirlie be hir awin precept the grund thairof, or to vse the executioun of this present contract at hir plesour: Provyding that the said Johne and his airis, nor thair subtenentis, sall nocht be removit be hir fra the saidis landis and mylne, thay makand thankfull payment of the said yeirlie maill at the termes foirsaidis, and failyeing of thankfull payment of the said tua hundreth markis yeirlie at the termes foirsaid, or within four scoir of dayes nixt thairefter, it salbe lefull to hir to remove the said Johne, his airis, thair subtenentis and vtheris occupiaris, fra the saidis landis and mylne, to be brukit, labourit, set, vsit, and disponit be hir thairefter at hir plesour, but stop or impediment; and in cais of failye of payment foirsaid within

the tyme abone specifiit, the said Johne and his airis sall remove thame selfis, thair subtenentis and vtheris occupiaris, thairfra, without ony proces of law or ordour of warning or expectatioun and remaning, vpoun ony terme vsit for removing of tenentis, the said Johne being requirit, or his airis, befoir ane notar and witnes thairto, to remove him, his airis and subtenentis, thairfra; and incontinent efter the said requisitioun to be maid personalie or at thair dwelling place, sall suffir hir to peceablie labour the samin, or to set thame to vtheris at her plesour, and sall nocht molest hir or hir tenentis in peceabill bruking thairof, and sall infeft hir in samekill vthir landis as the said landis and mylne salhappin to be of les valour communibus annis nor the said twa hundreth merkis, to be brukit be hir for hir lyiftyme in maner foirsaid. For the quhilkis the said Margaret sall dischairge and be thir presentes dischairges the said Johne, his airis, executouris, and assignayes, of all sowmes of money, dettis, gudis, that scho may ask or clame fra him to this hour, and in speciall of hir tochir gude; and als sall nevir call, trubill nor persew, in the law nor by the law, the said Johne for retreting or annulling of the sentence of deworce pronuncit be Schir Thomas Wallace, at his instance, aganis hir; and sall renunce, and renunces, all commissionis apostulit or vtheris purchest or to be purchest be hir to that effect, except scho obtene the said Johnnis consent thairto; and alwyis scho sall nocht be hard to persew him for reductioun of the sentence foirsaid quhill scho be relaxit fra hir ayth vnderwrittin, and quhill scho refound and deliuer to the said Johne all the males of the landis and myln foirsaid than ressauit be hir fra the dait of this contract, and quhill scho renunce and ourgif simpliciter all the foirsaidis [landis and] mylne quhilk scho salhappin to be infeft for ye samin. In cais scho happinnis to renunce the said landis throw occatioun foir [said, scho] sall haif place to persew the said Johne Wemys of all thingis lyikas scho mycht befoir the making heirof and and defend inlyikwyis, lyik as this contract haid nevir bene maid, scho being relaxit fra hir

ayth and paying the saidis soumes than ressauit be hir of the said landis and mylne, and the said Johne dischairges hir of gudis and soumes of money that he may clame fra hir to this hour, this present contract standand in strenth; and Andr[o Aittoun of] Dunmour, Alexander Traill, feair of Blebo, ar at the raqueist of the said Johne becumin souirties, cautioneris, and principall dettouris, c[oniunctlie and] seuerallie, for the said Johne for fulfilling of his pairt of this contract to the [said Mar]garet eftir the forme and tenour the said Johne sall at the deceis of the saidis cautioneris, or ony of thame, sall caus vtheris responsall be actit in the writtin in thair places, and sall fortefy and mantene hir in all hir leifsum besenes, and nevir to cum in hir contrair in or furth of the samin, and the said Johne sall releif his souirteis: And bayth the saidis partiis and souirteis fo[irsaidis ar] oblist, bund, and sworne the haly Evangelistis tuichit to obserue and keip this present contract, ilk ane for [thair awin] partis, and to fulfill the samin eftir the forme and tennour heirof; and consentes, and ar content that the samin be registrat [in the bukis] of our souerane ladeis counsale, and als in the bukis of the officiall of Lowtheane, submittand thame to his iuris[dictioun, and] thair to haif the strenth of the actis and decreittis thairof, with executioun of horning and poynding to pas upoun the samin as vpoun the decreit at the plesour of the saidis partiis that salhappin to purchace the saidis letteris, and to haif executioun of cursing as vpoun the [said] officiallis act; and for registring heirof in the bukis foirsaidis, the saidis pairtiis and souirteis makkis and constitutis maisteris Dauid Borthuik, Thomas Makcalzeane, George and Richard Strangis, Johne Moscrope, Johne Abercrumby, and the rest of procuratouris of court, coniunctlie and seuerallie, thair lauchfull procuratouris, promittand de rato, vnder the pane of all thair gudis; and for the mair securite the partiis and souirtie foirsaid hes subscryuit thir presentes with thair handis as followis, the secund day of December instant, the yeir of God

j^{m}v^{c}lvj yeris befoir thir witnes, Dauid Wemys, Capitane Michaell Balfour, youngar of Balquhanny, Dauid Barclay of Cullerny, Johne Raa, seruand to the said Margaret, Maister James Wemys, and Alexander Donaldsoun, notar, with vtheris diuerss. Sic subscribitur, Johne Wemys of y^{t} ilk w^{t} my hand, Andro Aittoun of Dūm^{r} w^{t} my hand, Alexr. Traill, fear of Blebo, w^{t} my hand, Margaret Ottirburne w^{t} my hand at the pen, led be the notar vndirwrittin at my command. Ita est Alexander Donaldsoun, notarius publicus, de mandato dicte Margarete ad hoc manu propria. Extractum de libro actorum per me magistrum Jacobum M^{c}Gill de Rankelour Nethir, clericum rotulorum, registri ac consilii supreme domine nostre Regine, sub meis signo et subscriptione manualibus. JACOBUS MAKGILL.

119. CHARTER by EUPHEMIA LESLIE, Prioress of Elcho, to JOHN WEMYSS of that Ilk, of the mains and grange of Elcho. 25th October 1558.

OMNIBUS hanc cartam visuris vel audituris, Eufamia Leslie, priorissa monasterii de E[l]cho, et conuentus eiusdem, salutem in Domino sempiternam: Quum plusquam notorie constat monasterium nostrum paucis anteactis annis per veteres nostros Anglie inimicos, qui tum temporis castrum Brouchty, vrbem de Dunde, et circumiacentia non tantum detinuerunt et occupabant, sed inde quaquauersus volabant agminatim equitantes nos et quoscunque nostre religionis fuerunt penitus deuastarunt; ita vt post eorum discessum nobis nihil superfuit ad re[e]dificandum templum, cellulas, aliaque nostra edificia, nisi nobilis et honorificus ac nobis optime meritus Johannes Wemys de eodem nobis suppeditasset pecunia[ru]m summas non minimas, sub spe et fideli nostro promisso resolutionis earundem: Quocirca in hanc maximam pauperiem deiecti ad eundem nostrum patronum, tamquam ad indubium azilum, confugere compellimur: A quo vti prius nonnullas

pecuniarum summas mutuo accepimus, quibus qu[o]tidianum alimentum emimus, tam aspera et dura, volente Deo, sunt hec nostra tempora: Ac quoniam propter pauperiem terre nostre dominicales a nobisipsis coli non possunt; et volentes ipsum Johannem quo possimus commodiore modo de prestitis nobis summis satisfacere, que simul computate et ad iustum calculum redacte extendunt ad summam mille librarum monete Scotie; et ne eius munificam quam erga nos hactenus prestitit mentem in hac nostra vrgentissima necessitate amittamus, noueritis nos capitulariter congregatos, vtilitate et commodo nostris et successorum nostrorum vndique preuisis, longo tractatu et matura deliberatione desuper prehabitis, ac pro antedicta summa mille librarum predictarum nobis, vt premittitur, per dictum Johannem in nostra vrgenti necessitate in pecunia numerata gratanter et integre persoluta, de quibus fatemur nos bene contentas et plenarie satisfactas, ac pro multis aliis beneficiis, gratitudinibus nobis per dictum Johannem multiphariam prestitis et impensis, necnon in annuam a[u]gmentationem nostri rentalis, dedisse, concessisse, assedasse, arrendasse, locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon tenore presentium dare, concedere, assedare, arrendare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta nostra pro perpetuo confirmare dicto Johanni, suis heredibus et assignatis, hereditarie, omnes et singulas terras nostras dominicales de Elcho, wulgo Manis et Grange of Elcho dictas, cum molendino et salmonum piscaria earundem (exceptis templo, loco et edificiis monasterii, vt iam stant, cum hortis et pomeriis eiusdem, et exceptis etiam viginti quatuor acris earundem terrarum dominicalium eidem Johanni prius in feudifirma, feodo et hereditate locatis); ac etiam omnes et singulas decimas garbales et alias minutas decimas quascunque omnium et singularum dictarum nostrarum terrarum dominicalium, molendini et piscarie tam prius dicto Johanni quam nunc locatarum, quia omnes huiusmodi

decime retroactis temporibus cum prefatis terris insimul sub vnico annuo censu locari consueuerunt, nec nobis earum separate firme cognite sunt, sed insimul omni tempore preterito earundem fructus colligebantur, cum omnibus et singulis suis pertinentiis; iacentes infra diocesim Sanctiandree et vicecomitatum de Perthe: Quequidem omnes et singule terre, cum molendino, piscaria et decimis antedictis, cum quibus etiam tenentibus locari consueuerunt, in nostro rentali annuo extendunt, omnibus proficuis simul computatis, ad sex celdras farrine auenatice et tres celdras ordei, pretium vniuscunque celdre communiter et communibus annis estimatum ad decem marcas monete huius regni predicti, et pro eisdem firmis tenentibus locabantur absque vllis deuoriis, prout rentale nostrum proportat: Tenendas et habendas omnes et singulas predictas terras dominicales de Elcho, wulgo Manis et Grange of Elcho dictas, cum molendino et salmonum piscaria earundem, ac etiam omnes et singulas decimas garbales et alias minutas decimas quas[cun]-que omnium et singularum dictarum nostrarum [terrarum] dominicalium, molendini et piscarie, tam prius dicto Johanni quam nunc locatarum (saluis prius exceptis), prefato Johanni, suis heredibus et assignatis, de nobis et nostris successoribus, in feudifirma seu emphiteosi et hereditate in perpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, columbis, columbariis, cuniculis, cunicularíis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et virgultis, lignis, tignis, lapicidiis, lapide et calce; cum curiis et earum exitibus, herezeldis, bludueitis et mulierum merchetis; cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis et iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas

terras, molendinum, salmonum piscariam et decimas antedictas cum pertinentiis spectantibus seu spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti Johannes, sui heredes et assignati, nobis et successoribus nostris, dicti monasterii priorissis et conuentui pro tempore, pro vnaquaque celdra dicte farrine auenatice et ordei communiter omni anno summam decem marcarum monete predicte, tamquam pro firmis prius in dicto nostro rentali contentis, vnacum summa sex librarum dicte monete in a[u]gmentationem dicti rentalis, extendentes in toto ad summam sexaginta sex librarum monete antedicte, annuatim ad duos anni terminos consuetos, festa, videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones; et heredes dicti Johannis tenebuntur duplicare dictam feudifirmam primo anno quum intrauerint ad prefatas terras, vt moris est feudifirme, tantum, pro omni alio onere, exactione, questione, demanda seu seruitio seculari, que de predictis terris, molendino, piscaria et decimis prenotatis per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et nos vero dicte priorissa et conuentus et successores nostri omnes et singulas terras nostras dominicales de Elcho cum molendino et salmonum piscaria earundem (exceptis prius reseruatis,) ac etiam omnes et singulas decimas garbales et alias minutas decimas prenotatas cum omnibus suis pertinentiis, dicto Johanni, suis heredibus et assignatis, in omnibus et per omnia, forma pariter et effectu, vt premissum est, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus: Et vlterius fideliter promittimus, pro nobis et nostris successoribus, incontrarium presentis locationis neque nos neque successores nostros vllatenus deuenturos: Et quod non licebit nobis et successoribus nostris neque vllis aliis dictum Johannem, vel suos heredes aut assignatos, pro reductione, retract[at]ione vel annullatione presentis carte et locationis feudifirme, molestare, inquietare,

iuridice vocare vel extra iudicium perturbare, aut antedictas terras, molendinum, piscariam et decimas, vt premittitur, iam locatas, quamcunque ob causam ab eisdem repetere, nisi persoluerimus et persoluerint eidem Johanni, suis heredibus et assignatis, antedictam summam mille librarum monete predicte, per nos mutuatam, priusquam in iudicio aut circa iudicium quamlibet actionem obtinere vel standi personam ad ea persequenda habere possimus aut possent, vllis iuribus, canonibus ciuilibus, prouincialium synodorum constitutionibus, actis seu statutis in contrarium non obstantibus quibuscunque. In cuius rei testimonium huic presenti carte nostre, manu mei dicte Vfame, necnon manu notarii inscripti nomine dicti conuentus de eorum mandato et manibus calamum tangentibus subscripte, sigillum commune capituli dicti nostri monasterii est appensum, apud Elcho, vigesimo quinto Octobris, anno Domini millesimo quingentesimo quinquagesimo octauo, coram his testibus, Thoma Michelsone, Joanne Wemis in Abernathe, Nycholao Russell et domino Cuthberto Robertson.

EUFEME, priores off Elcho, w^t^ my hand.
CRISTAN MUNCREYFF, w^t^ my hand at the pen.
ELE^T^ PEYT, w^t^ my hand at the pen.
EFFEM SWENTON, w^t^ my hand at the pen.
ELEYN STEWART, w^t^ my hand at the pen, led be Schir Jhone Lamb, notar, at the forsaydis commandis.

[1] Ita est Joannes Lamb, notarius publicus, ex speciali mandato prescriptarum monialium calamo scribere nescientium.

120. CHARTER by EUPHEMIA, Prioress of Elcho, to JOHN WEMYSS of that Ilk, of the mains and grange of Elcho. 26th September 1559.

OMNIBUS hanc cartam visuris vel audituris, Eufamia Leslie, priorissa

monasterii de Elcho, et conuentus eiusdem, salutem in Domino sempiternam. Quum plusquam notorie constat monasterium nostrum paucis anteactis annis per veteres nostros Anglie inimicos, qui tum temporis castrum Bruchty, vrbem de Dundee et circumiacentia predia non tantum detinuerunt et occupabant, sed inde quaquauersus volabant agminatim equitantes nos et quoscunque nostre religionis fuerunt penitus deuastarunt; ita vt post eorum discessum nobis nihil superfuit ad reedificandum templum, cellulas, aliaque nostra edificia, nisi nobilis et honorificus ac de nobis semper optime meritus Johannes Wemys de eodem nobis suppeditasset pecuniarum summas non minimas, sub spe et fideli nostro promisso resolutionis earundem: Ac antequam vllam vel minimam earundem partem seponere potuimus, ecce subito superueniunt e nostratibus inimici multo atrociores et religioni nostre multo maius inuisi, qui nobis fugatis monasterium et edificia nostra funditus euerterunt; ita vt ne locus vllus ibi nobis iam relictus sit, nisi sub dio agere volemus: Quocirca in hanc maximam pauperiem deuecti, ad eundem nostrum patronum tanquam ad indubium azilum confugere compellimur; a quo (vti prius) nonnullas pecuniarum summas mutuo accepimus, quibus quotidianum alimentum emimus, tam aspera et dura (volente Deo) sunt hec nostra tempora: Ac quoniam propter pauperiem terre nostre dominicales a nobisipsis coli non possunt; et volentes ipsum Johannem quo possumus commodiore modo de prestitis nobis summis satisfacere, que simul computate et ad iustum calculum redacte extendunt ad summam mille librarum monete Scotie; et ne eius munificam quam erga nos hactenus prestitit mentem in hac nostra vrgentissima necessitate amittamus, noueritis nos capitulariter congregatos, vtilitate et commodo nostris et successorum nostrorum vndique preuisis et pensatis, longo tractatu et matura deliberatione desuper prehabitis, ac pro antedicta summa mille librarum predictarum nobis, vt premittitur, per dictum Johannem in nostra vrgenti necessitate in pecunia numerata gratanter et integre persoluta, de quibus fatemur

nos bene contentas et plenarie satisfactas, ac pro multis aliis beneficiis, gratitudinibus et benemeritis nobis per dictum Johannem multiphariam prestitis et impensis, necnon in annuam augmentationem nostri rentalis, dedisse, concessisse, assedasse, arrendasse, locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon tenore presentium dare, concedere, assedare, arrendare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra pro perpetuo confirmare dicto Johanni, suis heredibus et assignatis hereditarie, omnes et singulas terras nostras dominicales de Elcho, vulgo Manis et Grange of Elcho dictas, cum molendino et salmonum piscaria earundem (exceptis templo, loco et edificiis nostri monasterii iam dirutis, cum hortis et pomeriis eiusdem, et exceptis etiam viginti quatuor acris earundem terrarum dominicalium eidem Johanni prius in feudifirma, feodo et hereditate locatis); acetiam omnes et singulas decimas garbales et alias minutas decimas quascunque omnium et singularum dictarum nostrarum terrarum dominicalium, molendini et piscarie, tam prius dicto Johanni quam nunc locatarum, cum omnibus et singulis suis pertinentiis, iacentes infra diocesim Sanctiandree et vicecomitatum de Perth.: Quequidem omnes et singule terre, cum molendino, piscaria et decimis antedictis, cum quibus etiam tenentibus locari consueuerunt, in nostro rentali annuo extendunt, omnibus proficuis simul computatis, ad summam quadraginta librarum monete Scotie, et pro eadem summa tenentibus locabantur absque vllis deuoriis, prout rentale nostrum proportat: Tenendas et habendas omnes et singulas predictas terras nostras dominicales de Elcho, vulgo Manys et Grange of Elcho dictas, cum molendino et salmonum piscaria earundem, acetiam omnes et singulas decimas garbales et alias minutas decimas quascunque omnium et singularum dictarum nostrarum terrarum dominicalium, molendini et piscarie, tam prius dicto Johanni quam nunc locatarum, (saluis prius exceptis,) prefato Johanni, suis heredibus et assignatis, de nobis

et nostris successoribus, in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, columbis, columbariis, cuniculis, cuniculariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et virgultis, lignis, tignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, herezeldis, bludewitis et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras, molendinum, salmonum piscariam et decimas antedictas cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti Johannes, sui heredes et assignati, nobis et successoribus nostris, dicti monasterii priorissis et conuentui pro tempore, antedictam summam quadraginta librarum prius solui solitam, vnacum summa quatuor librarum dicte monete in augmentationem annuam nostri rentalis plusquam prius nobis dederunt: Et sic soluent annuatim dicti Johannes et heredes sui antedicti annuatim in integro nobis et successoribus nostris summam quadraginta quatuor librarum, ad duos anni terminos consuetos, festa, videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, et heredes dicti Johannis tenebuntur duplicare dictam feudifirmam primo anno quum intrauerint ad prefatas terras, vt moris est feudifirme, tantum, pro omni alio onere, exactione, questione, demanda seu seruitio seculari, que de predictis terris, molendino, piscaria et decimis prenotatis, per quoscunque iuste exigi poterunt quomodolibet vel requiri: Et

nos vero dicte priorissa et conuentus et successores nostri omnes et singulas prefatas terras nostras dominicales de Elcho, cum molendino et salmonum piscaria earundem (exceptis prius reseruatis,) acetiam omnes et singulas decimas garbales et alias minutas decimas prenotatas cum omnibus suis pertinenciis, dicto Johanni, suis heredibus et assignatis, in omnibus et per omnia, forma pariter et effectu, vt premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus: Et vlterius fideliter promittimus, pro nobis et nostris successoribus, incontrarium presentis locationis neque nos neque successores nostros vllatenus deuenturos; et quod non licebit nobis et successoribus nostris neque vllis aliis dictum Johannem vel suos heredes aut assignatos, pro reductione, retractatione vel annullatione presentis carte et locationis feudifirme, molestare, inquietare, iuridice vocare vel extra iudicium perturbare, aut antedictas terras, molendinum, piscariam et decimas, vt premittitur iam locatas, quamcunque ob causam ab eisdem repetere, nisi persoluerimus et persoluerint eidem Johanni, suis heredibus et assignatis, antedictam summam mille librarum monete predicte per nos mutuatam, priusquam in iudicio aut citra iudicium quamlibet actionem obtinere, vel standi personam ad ea persequenda habere possemus aut possent, vllis iuribus, canonibus ciuilibus, prouincialium synodorum constitutionibus, actis seu statutis in contrarium non obstantibus quibuscuuque. In cuius rei testimonium huic presenti carte nostre manibus nostris subscripte sigillum commune capituli dicti nostri monasterii est appensum, apud Elcho, vigesimo sexto die mensis Septembris, anno Domini millesimo quingentesimo quinquagesimo nono.

Ewfem, priores off Elcho, w^t^ my hand.
Cristan Muncreyf, w^t^ my hand at the pen.
Elezibetht Peyt, w^t^ my hand at the pen.
Sisteris Cristen Muncreif, Ele^r^ Peyt, w^t^ our handis at the pen, led be Schir Jhone Lamb, at our command, befor Maister

James Wemys, Thomas Michelson, Thomas Wod, Patrik Walcar. Sic est Joannes Lamb, notarius, de mandato dictarum monialium scribere nescientium.

Sisters Effame Swyntoun and Helene Stewarte, w^t^ our handis at the pen, led be James Nicolson, notar, at our command, befoir Maister James Wemys, Hew Andersoun, and Thomas Michelsone, witnessis. Sic est Jacobus Nicolson, notarius, de mandato dictarum monialium scribere nescientium.

121. Commission by Archibald, Earl of Argyll, Justiciar of Scotland, to John Wemyss of that ilk, and David Wemyss, his son, to try John Lessellis and Andrew Daa for theft. 22d November 1560.

Archibaldus comes Ergadie dominus Campbell et Lorne, iusticiarius supremorum dominorum nostrorum Regis et Regine tocius regni sui generaliter constitutus, vniuersis et singulis ad quorum noticias presentes litere peruenerint, salutem. Quia fecimus, constituimus, deputauimus et ordinauimus, tenoreque presentium facimus, constituimus, deputamus et ordinamus dilectos nostros Johannem Wemys de eodem et Dauidem Wemys, eius filium et heredem apparentem, ac eorum alterum, coniunctim et diuisim, nostros deputatos seu locumtenentes in officio nostro iusticiarie supradicte: Dantes et concedentes dictis nostris deputatis seu locumtenentibus nostram plenariam potestatem ac mandatum speciale, pro nobis et nostro nomine, curiam seu curias iusticiarie dictorum supremorum dominorum nostrorum Regis et Regine, infra limites terrarum et baronie de Wemys, iacentium in vice-

comitatu de Fiffe, vbi ipsis expedire videbitur, statuendi, inchoandi, tenendi et affirmandi, ac quocies opus fuerit continuandi; ministros curie necessarios eligendi, deputandi, creandi, ordinandi, ac eosdem iurare faciendi; necnon Johannem Lessellis et Andream Daa, de furto et latrocinio dilatatos et suspectos, apprehensos et in manibus existentes, in huiusmodi curia seu curiis, vt moris est, vocandi, et de dictis criminibus per indictamenta accusandi; illumque pro eisdem ad cognitionem assise personarum minime suspectarum et veritatem melius cognoscentium ponendi; et iusticiam super eo, iuxta prefate assise deliberacionem et regni iura, administrandi et administrare faciendi; necnon assisam personarum predictarum a[d] comparendum coram dictis nostris deputatis in huiusmodi curia seu curiis, et exeundum super assisa dictorum Johannis et Andree in premissis, quamlibet sub pena x li summoniendi, et iurare faciendi; et generaliter omnia alia et singula faciendi, gerendi et exercendi, que in premissis et circa ea necessaria fuerint seu quomodolibet oportuna: Ratum et gratum, firmum atque stabile habentes et habituri totum id et quicquid dicti nostri deputati aut eorum alter, coniunctim et diuisim, nostro nomine, in premissis iuste vel rite duxerint seu duxerit faciendum: Presentibus ad suprascripta duntaxat valituris. In cuius rei testimonium sigillum officii iusticiarie supremorum dominorum nostrorum Regis et Regine huic presenti commissioni est affixum, apud Edinburgum, xxij^do^ die mensis Nouembris, anno Domini millesimo quingentesimo sexagesimo.

122. Licence by King Henry and Queen Mary to John Wemyss of that Ilk, to stay at home from the Army. 6th September 1565.

Henrie and Marie be the grace of God King and Quene of Scottis, to oure iustice, iusti[c]e clerk, and all vthiris oure officiaris, liegis, and subdittis quhome it effeiris, quhais knawlege thir oure lettres salcum,

greting: Forsamekle as we vnderstanding oure louit Johnne Wemys of that ilk to be seiklie in his persoun, and nocht abill to sustene the pyne and travell of the weiris, raidis, and armeis, without extreme perrell and danger of his lyfe, and his eldest sone is a man abill thairfore; thairfore we haue gevin and grantit, and be thir oure lettres gevis and grantis, licence to the said Johnne Wemys to remane and abyde at hame fra all and sindrie oure raidis, weiris, armyis, and assembleis to be maid be ws, or oure lieutennentis in oure name, within oure realme or outwith, during all the dayis of his lyff: And will and grantis that he sall incur na skaith nor danger thairthrow, in his persoun, landis, or gudis, nor sall nocht be callit nor accusit for the samyn, criminallie nor ciuilie, be ony maner of way in tyme cuming, nochtwithstanding ony oure lawis, actis, statutis, proclamationis, or chargis maid or to be maid in the contrar, or ony panis contenit thairin, anent the quhilkis we dispens be thir oure lettres; dischargeing yow, oure iustice, iustice clerk, and all vthiris oure officiaris, liegis, and subdittis foirsaidis off all calling, accusing, vnlawing, or in ony wayis poinding aganis the said Johnne for his remaning and abydeing at hame fra the saidis oistis, armeis, raidis, weiris, and assembleis, poynding, trubling, or intrometting with him, his landis and gudis thairfore, and of youre offices in that pairt: Provyding all wayis that he send his eldest sone with his seruandis and houshald to the saidis oistis, armeis, raidis, weiris, and assembleis, bodin and furneist conforme to the proclamationis to be maid thairupoun. Gevin vnder oure priue seile, at Glasgw, the sext day of September, the yeir of God j^{m} v^{c} thre scoir fyve yeiris, and of oure regnnis the first and twenty thre yeir.

Per signaturam manibus supremorum dominorum nostrorum Regis et Regine subscriptam.

On Tag: Litera Johannis Wemys de eodem.

123. Complaints of Robert Bruce of Clackmannan, against Sir John Wemyss of that Ilk. *Circa* 1570.

Thir are the offenssis, actionis, qu[e]rellis and debattis that Robert Brus of Clakmannan, Alexander Brus of Arth, Schir William Brus of Arllishall, thair kyn, freindis, and allia, hes to say aganes Schir Jhone Wemiss of that ilk, Dauid Wemis, his sone and appeirand air, Jhone Vemss of Pettyncreff, Dauid Vemis, brother to the said Schir Jhone, their kyn, freindis, and allia, as followis :

In the fyrst we say that Schir William Brus of Erllishall cum to Couper of Fyff in the moneth of July or August 1567 yeris, to ane tryst appoynttit be the said Schir Jhone Vemss and at his desyr, for dressing of certane debattis betuix the said Schir Jhonnis syster and the said Schir Williamis syster, bayth ladies of Brakmonth; and eftir the mater wes ressonyt betuix the saidis partteis, the said Schir William past to his denner, and beand in his luggeing, ane seruand of the laird of Wemys, callit James Towris, send be the said laird, come to his said luggeing and desyrit the said laird of Erlishall to cum and speik him in the kirk of Cowper, quhilk he did, accumpaneit onlie with Robert Bruce, his sone, and eftir certane commonyng and ressonyng anent the laird of Brakmonthis kindennes, betuix the saidis lairdis of Wemys and Erlishall, immediatlie, without ony occasion offerit be the laird of Erlishall, Dauid Wemys, broder to the said laird Wemys, iniurit him with evill wordis, and thaireftir struck hym with ane quhynger aucht inchis in the bak, to the gret effusione of his blude and apperand to his slaucher wer nocht be force of this straik he fell ower ane furme to the erth; and thaireftir Archbald Wynd, seruand to the said laird, without ony motione, straik the said Robert Bruce on the halfheid with his fauld naif, and the rest of the cumpany, to the numer of

xxiiij personis, straik at him with drawin swordis, and had slane hym wer nocht he fled to the laird of Wormestouns lugeing, quhilk wes the savetie of his lyf.

Secundlie, Robert Bruce of Clachmannan, Alexander Bruce of Arth, accumpaneit to the numer of xxiiij personis of thair kin, freindis, and seruandis, come to Edinburgh in the moneth of Nouember last bipast, to do thair laufull besynes, and the said Dauid Wemys, sone to the said laird, Dauid Wemys, his broder, accumpaneit with thair kin, freindis, and seruandis, to the numer of iij^{xx} personis, with certane suddartis conducit be tham, of set purpos come to Edinburgh bodin in feir of war knawing our being thair, and we passand vp the gat of Edinburgh to the kirk, thai set vpon vs without ony occasione offerit be ws to tham, and thair mutulat me, the said Alexander Bruce, eftir diuers personis of our partie being hurt and put asyde be the nychtbouris of the toun maist vnhonestlie, of the quhilk ye ar nocht ignorant.

Thridlie, on the first Sonday of Maii last, Jhone Wemys of Pittyncreich, James Wemys of Kaskyberrian, the laird of Kerslogy, accumpaneit with the said laird of Wemys seruandis, to the numer of xl hors men, with xx fute men, as we allege, at the command of the said laird of Wemys, come to Erlishall of set purpois, being lyand in wait in the den of Kynkaipill fre vj houris in the morning quhill twa houris eftir noun, Alexander Bruce, sone to Petir Bruce, apperand of Erlishall, Robert Bruce, sone to the laird of Erlishall, Andro Arnot, minister of Scotland Well, and with tham four seruandis beand at thair pasttyme at the roll bowlis; the saidis personis sett vpon tham, being the said numer of hors men and fute men, and chest tham to Petlathie, and thaireftir past to the lard of Reraris hous and drunk, and immediatlie thaireftir come to the said laird of Erlishallis hous and thair hurt ane gentill woman callit Barbara Ramsay, and Jhone Bruce of Erlishall, and lamit him in his leg; and thir forsaidis to be considerat be your wisdomes.

124. LATTER WILL and TESTAMENT of Sir JOHN WEMYSS of that Ilk. 25th January 1571-2.

At Wemis Elcho, within the parrochin of Rynd, the xxv day off Januar, the yeir off God im vc lxxi yeris.

JOHNE Wemis off that ilk, knycht, beand in extremite off seiknes in body, bot haile and perfitt in memorie, as apperit, maid and declarit his lettir will in maner following: To witt, he nominatt, maid, and constitutt Dauid Wemis, his sone and apparand ayre, Maister Jamis Wemis off Lathokker, Andro Wemis off Logy, and Alexandir Balfour off Denmiln, his allanerlie executouris: And becaus at that presentt tyme he wes sa veseat be God with infirmitie off body that he wes wnhable to giff wp the speciall inventour off his gudis and dettis in particular, as efferit; tharfor he committit and gaiff power to his saidis executtouris to mak inventouris off his haill gudis, geir, and dettis awand to him; and siklyke off the dettis awand be him to quhatsumeuir otheris personis, becaus he had no speciall memorie off the sam, and ordanit thame to pay his saidis dettis off his first and reddiast gud and geir, as thai wold ansuer to God, etc. And grantitt that he wes awand to Patrik Wemis, his brother, the sowm of xl lib. for viii oxen, quhilkis he bocht and resauitt fra the said Patrik: And siklyk leiffis in ligacie to thir personis following, viz.:—

To Kathryne Wemis, his dochter naturall,	vc merkis.
To Archebald Wynd,	xl lib.
To Johne Hunttar, his servantt,	xx lib.
To Williame Wrycht, his servantt,	xx lib.
To Andro Brown, his servantt,	xx lib.
To ilk ane off his other bastard dochteris,	x lib.

To Robert Wemis, his sone naturall, the haill oxen that labouris Erllis Saitt; and alswa ordanis the said Dauid Wemis, his sone and

apperand ayr, to delyuer to the barrone off Fyngask all evidenttis and wryttis quhilkis he had belangand to the tendis off Coittis, etc.

And this wes done in presence off thir witnessis, videlicet, Andro Wemis of Logy, Archibald Dundas off Fingask, Alexander Balfour off Denmiln, Archibald Wynd, Duncane Wemis, sone naturall to the said Schir Johne, Johne Wemis off Ovir Petgrugny, and me, Patrik Wemis, minister of the kirk off Rynd. In witnes off the premissis, I, the said Patrik, minister foirsaid, hes subscrivit thir presenttis with my hand, day, yeir, place, and witnessis foirsaidis, etc.

Patryk Vymes, Minister of the Rynd, with my hand.

125. Retour of David Wemyss, as heir to Sir John Wemyss, his father, in the Lands of Wester Wemyss and others. 14th May 1572. [Extract.]

Hec Inquisitio facta fuit in pretorio burgi de Cupro, in curia ibidem tenta, coram honorabilibus viris, Dauide Lindesay de Rathulleit, milite, leone rege armorum, Dauide Lindesay de Poyetstoun et Dauide Baxtar, vicecomitibus deputatis vicecomitatus de Fyff, coniunctim et diuisim, specialiter constitutis, decimo quarto die mensis Maii, anno Domini millesimo quingentesimo septuagesimo secundo, per hos probos et fideles homines patrie subscriptos, videlicet, Patricium Kynnynmonth de Craighall, Patricium Leirmonth de Dairsy, militem, Alexandrum Traill de Blabow, magistrum Dauidem Carnegy de Culluthy, Robertum Lundy de Coudlane, Dauidem Hay de Sandfurd, Georgium Clapane de Carslogy, Dauidem Barclay de Cullerny, Joannem Aytoun de Dunmvir, Jacobum Meldrum feoditarium de Segy, magistrum Joannem Pitcarne de eodem, Archibaldum Dundas de Fyngask, Michaelem Balfour de Burly, Henricum Orme de Mugdroun, Joannem Lundy de Strathairlie, Alexandrum Pitblado de eodem et Joannem Wemys de Pettincreiff: Qui iurati dicunt quod quondam Joannes Wemys de eodem, miles,

pater Dauidis Wemis, latoris presentium, obiit vltimo vestitus et sasitus, vt de feodo, ad pacem et fidem supremi domini nostri Jacobi Dei gratia Scotorum Regis, huius nominis sexti, de tota et integra baronia de Westir Wemis, Wemischire nuncupata, cum annexis, pendiculis et pertinentiis eiusdem subscriptis, videlicet, terris de Westir Wemis cum fortalicio, manerie loco, willa et burgo, carbonibus, carbonariis, salinis earundem, ac omnibus suis pertinentiis, terris de Litill Lvn, molendino vocato Cameroun Mylne, Donyface, Westir Tervet, Westir Drone, Hildrone et Tullibrek cum suis pertinentiis, iacentibus infra vicecomitatum de Fyff; terris de Eistir Elcho vocatis Wemis Elcho, cum fortalicio et loco nouiter [manerie *in another copy*] desuper edificatis ac molendino earundem, terris de Balhabram et Craigtoun, cum dimedietate terrarum de Ardargy et earundem pertinentiis, tertia parte terrarum de Strathardill, terris de Kynnaird ac omnibus suis pertinentiis, iacentibus infra vicecomitatum de Perth, ac per vnionem et annexationem dicte baronie de Wemys iacenti infra vicecomitatum de Fyff vnitis et incorporatis, cum pendiculis, lie outsettis, molendinis, multuris, carbonibus, carbonariis, salinis, tenentibus, tenandriis, libere tenentium seruitiis, aduocatione et donatione ecclesiarum et capellaniarum ac omnibus suis pertinentiis; et de tota et integra sexta parte predictarum terrarum de Westir Wemys, que olim ad quondam Robertum Cunynghame de Polmais pertinebat; necnon superioritate terrarum de Coleistoun, cum tenentibus, tenandriis et libere tenentium seruitiis earundem ac suis pertinentiis, iacentibus infra dictum vicecomitatum de Fyff: Et quod dictus Dauid est legitimus et propinquior heres eiusdem quondam Joannis, militis, patris sui, de omnibus et singulis predictis baronia, terris, molendinis, multuris, carbonibus, carbonariis, salinis, burgo et villa, tenentibus, tenandriis, libere tenentium seruitiis, annexis, pendiculis, lie outsettis earundem, cum omnibus suis pertinentiis, aduocatione, donationeque ecclesiarum et capellaniarum, ac superioritate prescripta: Et quod est legitime etatis: Et quod omnes et singule

predicte terre et baronia de Westir Wemys, cum dictis aliis terris et molendinis eidem baronie, vt premissum est, annexatis, cum molendinis, multuris, carbonibus, carbonariis, salinis, villa et burgo, tenentibus, tenandriis, et libere tenentium seruitiis earundem, annexis, connexis, partibus, pendiculis, lie outsettis, ac omnibus suis pertinentiis, valent nunc per annum ducentis sexaginta duabus libris vsualis monete regni Scotie; et tempore pacis valuerunt quadraginta duabus libris duabus solidis monete predicte; et quod dicta sexta pars terrarum de Westir Wemis cum pertinentiis valet nunc per annum sex libris tredecim solidis et quatuor denariis, et valuit tempore pacis quadraginta solidis; necnon dicta superioritas terrarum de Colistoun, cum tenentibus, tenandriis et libere tenentium seruitiis, earundem valet nunc per annum quinquaginta solidis et tempore pacis valuit decim solidis monete predicte: Et quod omnes et singule predicte terre et baronia, cum molendinis, multuris, carbonibus, carbonariis, salinis, villa et burgo, tenentibus, tenandriis, et libere tenentium serviciis, annexis, connexis, partibus, pendiculis, lie outsettis, ac omnibus earundem pertinentiis, aduocatione, donatione et superioritate antedicta, tenentur in capite de dicto supremo domino nostro rege, tanquam domino superiore earundem, per seruitium warde et releuii: Et quod fuerunt, prout nunc existunt, in manibus eiusdem domini regis per spacium trium mensium aut eocirca vltime elapsorum, ratione nonintroitus, per decessum dicti quondam Joannis Wemis de eodem, militis, qui obiit in mense Januario vltime elapso, in defectu prefati Dauidis, sui filii, ius suum hucusque minime prosequentis: In quorum fidem et testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende, sub inclusione breuis regii intus clausi, vnacum sigillo officii dicti vicecomitatus, presentibus sunt appensa, anno, die et loco quibus supra.

Hec est vera copia principalis retornatus super premissis in cancellaria supremi domini nostri regis remanentis, copiata et collationata per me Henricum Sinclare, notarium publicum,

ac eiusdem cancellarie directorem deputatum, sub meis signo et subscriptione manualibus. H. SINCLARE.

126. RETOUR of DAVID WEMYSS of that Ilk, as heir to his grandfather, DAVID WEMYSS of that Ilk, in the lands of Methill and Pirnie. 15th May 1572.

HEC Inquisitio facta fuit in prætorio ciuitatis Sanctiandreæ, coram honorabilibus viris, Patricio Leirmonth de Darsye, milite, senescallo generali regalitatis Sanctiandreæ, Wilhelmo Nairne, et Archibaldo Mwre, ciuibus dictæ ciuitatis ac senescallis deputatis præfatæ regalitatis, die decimo quinto mensis Maii, anno Domini millesimo quingentesimo septuagesimo secundo, per hos honorabiles viros subscriptos; videlicet, Jacobum Sandelandis de Sanct Monanis, Thomam Mortoun, apparentem de Cammo, Alexandrum Traill de Blebo, Dauidem Balfour de Balledmonth, Joannem Wemys de Pettincreif, Jacobum Wemys in Lucheris, Dauidem Hay de Sandfurde, Joannem Bonar de Lumbanye, Joannem Wemys in Craigfudy, Joannem Spens in Lathane, Wilhelmum Myillis ibidem, Dauidem Dury ibidem, Wilhelmum Patersoun ibidem, Dauidem Ingleis de Ardett, et Jacobum Forret, portionarium de Polduff: Qui iurati dicunt quod quondam Dauid Wemys de eodem, auus Dauidis Wemys, nunc de eodem, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo, ad fidem et pacem illustrissimæ nostræ dominæ reginæ pro tempore, de totis et integris terris de Methill et Pirnye, cum molendino granorum et molendino fullonum, ac terris molendinariis eorundem, cum pendiculis et pertinentiis, iacentibus in regalitate Sanctiandreæ, et infra vicecomitatum de Fyiff; et quod dictus Dauid Wemys, nunc de eodem, est legitimus et propinquior hæres dicti quondam Dauidis Wemys, sui aui, de dictis terris de Methill et Pirnye, cum molendino granorum et molendino fullonum, ac terris molendinariis eorundem, cum pendiculis et pertinentiis; et quod

est legitimæ etatis; et quod dictæ terræ, molendina, et terræ molendinariæ eorundem, cum pendiculis et pertinenciis, valent nunc per annum viginti quatuor libris vsualis monetæ regni Scotiæ, et valuerunt tempore pacis quatuor libris eiusdem monetæ; et quod dictæ terræ, molendina, et terræ molendinariæ eorundem, cum pendiculis et pertinentiis, tenentur in capite de reuerendissimo domino Sanctiandreæ archiepiscopo et suis successoribus, pro annua solutione vnius devoriæ vulgo nuncupatæ cane, cum seruitiis debitis et consuetis, tantum; et quod dictæ terræ, molendina, et terræ molendinariæ eorundem, cum pendiculis et pertinentiis, fuerunt in manibus Mariotæ Towris, relictæ dicti quondam Dauidis Wemys de eodem, aui dicti Dauidis Wemys, nunc de eodem, qui decessit in mense Maii, anno Domini millesimo quingentesimo quadragesimo quarto, tanquam in manibus dominæ coniunctæ infeodationis dictarum terrarum, molendinorum, et terrarum molendinariarum eorundem, cum pendiculis et pertinentiis, extendente ad spatium viginti octo annorum vel eocirca; et quod coniuncta infeodatio prædictæ Mariotæ de dictis terris, molendinis, et terris molendinariis eorundem, cum pendiculis et pertinentiis, conuersa est in vitalem redditum et liberum tenementum eorundem: Et propterea retornauerunt dictum Dauidum Wemys, nunc de eodem, domino reuerendissimo Sanctiandree archiepiscopo moderno, infeodandum in prædictis terris de Methill et Pirnye, molendinis granorum et fullonum et terris molendinariis eorundem, cum pendiculis et pertinentiis, citra preiudicium iuris et tituli quæ dicta Mariota de prædictis terris, molendinis, et terris molendinariis eorundem, cum pendiculis et pertinentiis, de præsenti habet. In cuius rei testimonium sigilla quorundam qui dictæ inquisitioni interfuerunt huic presenti retornatui sunt appensa, die, anno, et mense suprascriptis.

Jo. Bonkil.

127. Appeal for Annulling the Divorce of Sir John Wemyss of that Ilk, knight, and Margaret Otterburn. 3d June 1572.

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno incarnacionis Dominice i^{m} v^{c} septuagesimo secundo, mensis vero Junii die tercio, et anno supremi domini nostri Regis Jacobi sexti etc., personaliter constituti nobilis vir, Dauid Wemyss de eodem, et Johannes Wemyss, eius frater germanus, proles genite legitime per quondam Johannem Wemyss de eodem, militem, super quondam Margaretam Otterburn, tunc eius sponsam legittimam, pro se et nomine sororum eorundem, prolium legittimarum eorundem quondam Johannis Wemyss et Margarete Otterburn, Margarete Wemyss, sponse Dauidis Barklay de Cularny, Elisabeth Wemyss, relicte quondam Dauid Balfour, Agnetis Wemyss, sponse Johannis Aitoun de Dynmur, et Eufame Wemyss, sponse magistri Dauidis Carnegi de Culuthi; habentes et tenentes in manibus suis quamdam cedulam paperiam, formam appellacionis seu prouocacionis in se continentem, vt in vulgari sequitur :—The quhilk day the said Dauid Wemyss of that ilk, and Jhone Wemyss, his brother germen, for thame selfis, thair systeris and husbandis, exponit and schew, and alss declarit befor me, noter and witnes wnderwrittin, be thair greit aithis suorn, that it is cum to thair knawlege within thir awcht dayis bypast only, and as yit thai ar nocht surly informit thairof, that vmquhill Schir Thomas Wallace, person of Vnthank, within the dioce of Murray, oniustlie proceding and wranguslie cognoscinge in ane caus of diuorss intentit befoir hyme be vmquhill Jhone Wemyss of that ilk aganes Margaret Otterburn, his spous, thair father and moder, he havand na iurisdiction to cognoss and proced thairin, wranguslie, vniustlie, and iniquite, gaif and pronuncit his diffinative sentenss thairin, partand and diuorsand thame simpliciter, doand wess in his power to pit hyr fra hyr honorabill estait that scho suld nocht de [be] Lady Wemyss, and that we suld nocht be

lauchful, or at the laist defraudit of all we meycht succeid to be ressoun of our vmquhill fatheris and motheris decessis, hurtinge, greuand, and oppressing our vmquhill mother and ws greitymlie: Quhairfor we, for our selfis, and in nayme of our systeris and thair husbandis, for thair entress, appellis and prouookis be thir presentis fra the said pretendit sentenss diffinitive, and fra all followit thairvpon, to the Commissarres of Edinburgh, or the lordis of our Soueranis Session and thair iurisdiction respectiue, for ramaid to be pit heirin, pitthinge and submitting ws and all our inmouabillis and mouabillis vnder thair tuition and defenss in the maist ampill form. Super quibus omnibus et singulis dicti Dauid Wemyss de eodem, et Johannes Wemyss, eius frater germanus, pro se et sororibus suis et eorum sponsis pro suis interesse, a me notario publico subscripto sibi fieri pecierunt vnum seu plura, publicum seu publica, instrumentum seu instrumenta, quotquot fuerint eiis necessaria. Acta erant hec in hospicio capelle de Wemyss, hora quasi vndecima ante meridiem aut eocirca, sub anno, die, mense, etc. quibus supra; presentibus, prouidis et honestis viris, Cuthberto Robertson, Johanne Jakson et Johanne Baxter, testibus ad premissa vocatis pariterque et rogatis, etc.

Et ego vero Johannes Bowsey, Sanctiandree diocesis, notarius publicus [etc.]

Note by David, second Earl of Wemyss, enclosed in the foregoing Appeal.

In anno Domini 1572. Followes ane note of the children heir gottin betuixt Sir John Wemyss of that ilk and his wyff Margaret Otterburne, dauchter to the laird of Reidhall, in Lowthiane, was as followes, Dauid Wemyss, his eldest sone, who succeidit to him in the estait of Wemyss, and Johne Wemyss, his brother, who diet goeing to France by shipwrack. The dauchters of the said mariage was as followes, the eldest

dauchter Margaret Wemyss, spous to Dauid Barclay of Cullerny, the secund dauchter Elizabeth Wemyss, spous to Dauid Balfour of Muntquhanny, Agnes Wemyss, spous to Johne Aytoun of that ilk of Nather Dinmuir, and Euphame Wemyss, spous to Mr. Dauid Carnegy of Culluthie, off whom this Earle of Southesk is lyniallie come of her bodie, and of the said Mr. Dauid Carnegy (when this is noted on the 12th December 1672).

128. Licence by James, Earl of Morton, Regent, to William Rankeillor to sell the Ballomylne to David Wemyss of that Ilk. 1st April 1574.

Rex.

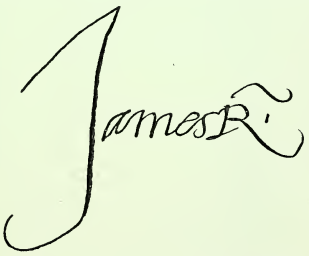
Wee, with auise and consent of our rycht traist cousing, James, Erle of Mortoun, Lord Dalkeith, Regent to ws, our realme, and liegis, be the tennour heirof, gevis and grantis our speciale licence to our louit Williame Rankeloure to sell, wedsett, and dispone all and haill his mylne, callit the Ballomylne, with the myllandis, multuris thairof, and thair pertinentis, liand within our stewartrie of Fiffe and schirefdome of the samin, to Dauid Wemys of that ilk, or to ony vther persoun or personis he sall think maist expedient; and will, grantis, decernis, and ordanis that be the said alienatioun, selling, or dispositioun quhatsumevir, thair sall follow nor result na actioun of recognitioun, foirfalture, or vtherwayes, of the said mylne, myllandis, multuris thairof, and thair pertinentis, or ony parte thairof; nor yit salle it be ony preiudice, hurt, danger, or skaith to the said Williame, or to the persoun or personis to quhome it salhappin him to sell and dispone the said mylne and mylne landis, in the peciable bruking and josing thairof, nochtwithstanding the prouisiones and restrictionis contenit in the said Williameis infeftment of fewferme of the samin, or ony lawis maid in the contrair; anent the quhilkis we dispens for euir be thir presentis; and sall neuir

move actioun nor pley aganis the said Williame, or the persoun or personis to quhome it salhappin him to sell and dispone his said mylne and mylne landis, for foirfalture or recognitioun thairof, be vertew of the saidis prouisionis, or vtherwayes, renunceand the samin for euir, be thir presentis; swa that the said Dauid, or ony vther persoun or personis to quhome the said mylne and myllandis sall be sauld and disponeit, sall als frelie bruik and jois the samin, be vertew of the said Williames rycht to be maid to thame thairvpoun, as gif the samin wer resignit in our handis, or our confirmatioun had thairto. Gevin vnder our signet, and subscriuit be our said rycht traist cousing and regent, at Edinburgh, the first day of Aprile, the yeir of God j^{m}v^{c}lxxiiij yeris, and of our regnne the sevint yeir. JAMES, Regent.

129. GIFT by KING JAMES THE SIXTH to JOHN WEMYSS, younger of that Ilk, of the Escheat of WILLIAM LUMSDEN, parson of Cleish. 10th March 1580-81.

OURE Souerane Lord ordanis ane lettir to be maid vndir his previe seill, in dew forme, to his louit Johnne Wemis, apperand of that ilk, his airis and assignais, of the gift of eschete of all guidis movable and vnmovable, takis, stedingis, coirnis, cattall, actis, contractis, actiounis, obligatiounis, reuersiounis, sowmes of money, jowellis, gold, siluer, coinzeit and vncoinzeit, and vtheris guidis quhatsumewer, pertening to Maister Williame Lummisdane, persoune of Cleisch, and now pertening to our Souerane Lord, and becum in his Hienes handis, be ressoune of esche[te] throuch being of the said Maister Williame denunceit rebell, and putt to the horne for his non comperance before the iustice or his deputtis in the Tolbuith of Edinburgh, the nyntene day [of] December to haif underlyne the law for the falcifeing, foirgeing, feinzeing, inventing, and abyding att ane pretendit contract allegeit maid att Craill, the xx day of October, the yeir of God i^{m}v^{c}lx yeiris,

betuix the said Maister Williame on that ane part, and vmquhile Thomas Lummisdane of Airdrie, on that vther part, quhilk contract wes inprovin before the lordis of our Souerane Lordis sessioun; and siclyke, for falsifeing, feinzeing, and abyding att certane pretendit fals executiounis of oure Souerane Lordis lettres, purchest att the said Maister Williamis instance, for registring the said pretendit fals contract, and vtheris crymes specifeit in our Souerane Lordis lettres directt vpoun him; with power to the said Johnne Wemis, his airis and assignais, to intromett and tak vp the saidis eschete, guidis, dettis, contractis, coirnis, cattale, fermis, and dewteis quhairevir they may be apprehendit, and to dispone thairvpoun att thair pleasour, and to occupy the saidis takis and stedingis, with thair awin guidis, or sett thame to tennentis as they sall think maist expedient, and with all and sindrie vtheris commoditeis, liberteis, proffeitis, fredomes, and rychteous pertinentis quhatsumeuer pertening thairto, frelie, quyetlie, wele, and in peax, but ony revocatioun, obstacle, impediment, or agane calling quhatsumever, and that the samin be extendit in the best forme with all claussis neidfull. Subscryuit be oure said Souerane Lord, at Halyrudhous, the tentt day of Marche the yeir of God $i^{m}v^{c}$ and fourscoir yeiris.



Compositio ane hunderthe merkis. W^mus, The^rius.

130. Contract of Marriage of James Wemyss of Bogy and Margaret Melville. 1st October 1585.

At Wemis, the first day off October the yeir off God j^m^v^c four scor and fyve yeris, it is appunctit, aggreit, and finalie contractit betuix the rycht honorable personis, parteis following: To wit, Dauid Wemis of that ilk, James Wemis, his laufull sone, feär of Bogy, vpoun that ane parte, Johne Malvill of Rayth, and Margret Malvyll, his laufull doghtar, vpoun that vther parte, in maner, forme, force, and effect as efter followis; that is to say, the said James Wemis, with counsall, consent, and assent off the said Dauid Wemis off that ilk, his father, sall, God willing, mary and tak to his spousit wyffe the said Margret Malvyll, and solempnizat the band of mareage with hir in face of Christis congregation, betuix this and Martimes nixt cummis: And befor the completing of ye said band, the said James, with consent and assent of the said Dauid, his father, and Sicilla Ruthwen, his mother, sall infeft the said Margret, his futur spous, in hir pure virginite, for all the dais of hir lyftime, in all and haill ane annuall rent of aught chalderis victuall, tua parte thairoff ait maill, and thrid parte beir, gude and sufficient stuff, to be yeirlie vpliftit and tane of all and haill thair part landis of Bogy, and akaris thairabout pertening to thame, lyand within ye regalite of Dunfermling, and schirefdome of Fyffe, to be yeirlie delyuerit betuix Yuill and Candilmes at ony parte, to be delyuerit within thre mylis to Bogy, with the common mett of Dysart or Kyrcauldy; to be hauldin of the said James Wemis, his airis and assignais, or of the superioris thairoff, be confirmation to pas thairuppoun at the will of the said John Malvyll of Rayth, [and] Margret Malvyll, his doghtar. And during the Ladie Naughtanis lyftyme, the said Dauid Wemis of that ilk sall infeft the said Margret in aught chalderis forsaid stuffe of his manis of Wemis and pertinentis, in claus of warrandys of the aught chalderis victuall off Bogy,

and being sufficientlie infeft in the said aught chalder wictuall, sall accept the samin, and be thir presentis, acceptis it in full contentation of all tercis or vther coniunctfeis the said Margret Malvyll may clame or haif be the said James, or be his deceis, of his leving of Bogy: Provyding that how lang it sall happin the said James and Margret, his futur spous, remane in hows with the said Dauid Wemis of that ilk, it sall nocht be lesum to thame to vplyft and ressaif the said aught chalderis victuall of thair coniunctfe, giffin in warrandys of the Manis of Wemis as said is, bot sall content thame with the toquhar gude and geir, and the profyte thairoff, induring thair abyding and remanning in howss with the Larde of Wemis as said is: And that to be in the said James Wemis and his futur spous willis giff thai will remane in howss with the Larde as said is, or to pas to thair awin hows and coniunctfe. Mair, gyff it sall be Goddis plesour that the said James Wemis be Larde of Wemis, in that cais, the said James Wemis and his futur spous salbe hauldin, lykeas thay be the tennour heiroff faythfully bindis and oblissis thame, thair airis, executouris, and assignais, to renunce all and haill the saidis landis of Bogy, and akaris tharabout partening to thame, Smetoun, Sefeild, Tyre, landis off Newtoun Markinche, and thair partinentis, quharin the said James is presentlie infeft, to and in favouris of his brethren successiue in the infeftment thairanent, or vtheris quhom it sall pleis the said Dauid Wemis of that ilk and his spous provyde the samin, togiddar with all rycht, titill off rycht, clame, interes, and possession, the said James [and] Margret, his futur spous, had, has, may clame, or haif thairto in tymis cuming, in cais forsaid; provyding alwais the said Margret Malvyllis coniunctfe forsaid stand quhill sche be sufficientlie infeft in als mekill as gude off the landis of Wemis: And als giff it sall pleis God that na airis maill be procreat betuix the saidis James and Margret, his future spous, bot airis famell, in that cais, becaus the said James landis forsaid ar talyeit, as the infeftment thairoff beris; in that cais the airis famell sall haiff to thair mareage, giff thair be bot ane, twenty-fyve hundrethe

markis mone Scottis, and giff thair be tua or mai, four thousand markis amang thame all. For the quhilk caussis the said Johne Malvyll off Rayth sall thankfully content, pay, and delyver in name of toquhar gude with the said Margret, his doghtar, to the effect vnderwrittin, the sowme of twenty-fyve hundreth markis vsuall monei of this realme of Scotland, to be pait in maner following: To wit, at Witsonday nixt cummis, $i^{m}v^{c}lxxxvj$ yeris, ane thowsand markis, and than thairwith fyftie markis, as ane termis annuall thairfor; and at Witsonday, fourscor sevin yeris, ane vther thowsand markis, and at Martimes nixt thairefter fyve hundrethe markis, in compleit pament of the said tuenty-fyve hundreth markis: And becaus the said Margret Malvyll may nocht lyft and resaif the said aught chalder victuall induring thair remaning in hows with the Larde of Wemis, as said is, thairfor and for that caus the said James Wemis and his futur spous sall ressaiff the said toquhar gude and haif the vse thairoff, ay and quhill the said Margret Malvyll gait the said aught chalderis victuall, and securite of als mekill of vther competent landis of the Larde off Wemis: And than becaus the said James is infeft alredy in the half landis of Newtoun Markinche, lyke as als vmquhill Maister Andro Wemis, his brother, was infeft in the vther halff thairoff; in the quhilk half landis that the said vmquhill Maister Andro was infeft in, the said Dauid Wemis of that ilk sall duly infeft the said James, his sone, his airis and assignais, as he has the vther half thairoff; thairfor the said toquhar gude to wit tuenty fyve hundreth markis sall be giffin and delyverit to Patrik Wemis, laufull brother to the said James, or ony vther havand power to renunce the said half landis; and at the renunceing and infefting the said James thairin, and in cais the said Patrick Wemis, or vtheris havand the rycht of the saidis half landis of Newtoun, will nocht renunce as said is, in that cais, the said James Wemis sall retene the said toquhar in his handis quhill the samin be renuncit as said is; it being alwais in the said Patrikis option, or vtheris hafand the rycht of the saidis half landis, quhiddar thai will

haif the said xxv hundreth markis, and renunce or nocht: And for fulfilling of all and sindry the premissis for the partis of the said Dauid Wemis of that ilk, and James Wemis, his sone, Johne Meluill, fier of Rayth, cautionaris and seuerteis, coniunctlie and seuerallie, and the said Dauid to freyth and releiff thame thairoff, with all costis, damnage, and expenssis of plei thei sall happin susten thairthrow, and for fulfilling of all and sindry the premissis for the part of the said John Malvyll of Rayth, cautionaris, coniunctlie, and seuerallie, and the said John Malvyll of Rayth to freyth and releif thame thairoff, and with all costis, damnage, and expenssis of plei they sall happin sustein thairthrow: And heirto bayth the saidis parties and souerteis faythfully bindis and oblissis thame, thair airis, executouris and assignais to vtheris; and ar content and consentis that thir presentis be insert and registrat in the bukis of our Soueranis Session, and haif the strenthe, force, and effect of actis and decretis of the lordis thairoff, with executoriallis to pas thairuppon at the will of the partie complenand; and for acting heiroff, all the saidis parties and souerteis, with ane consent and assent, makis and constitutis rycht honorabill maisteris
thair procu[ra]touris, coniunctlie and seuerallie, promittand to hald ferme and stabill, be thir presentis subscriuit with thair handis in maner following, day, yeir, and place forsaid, befor thir witnessis.

S. Dauid Wemys, off y^t^ ilk, wt my hand.
Jhone Maluill, of Raith, wt my hand.
Henry Orrok, vitines.

131. Agreement between Henry Lord Sinclair and David Wemyss of that Ilk, concerning injury done to the servant of Sir John Wemyss, fiar of that Ilk. 13th January 1593.

At Ravinscraig and Vemis, the threttene day off Januar, j^m^v^c^ fourscoir and threttene yeiris, be sa meikill as vpone the ellent day of Januar

last vas, at the kirk of Markinche, at the conventioun thair of the freindis for the rycht potent Henry Lord Sinclair, the ane pairtie, and the freindis for the rycht honourabill Dauid Wemis off that ilk, the vther pairtie, anent the repairing of the hurting and bluiding of Jhone Dagleis, seruitour to the rycht honourabill Sir Jhone Wemis, fear of that ilk, knycht; at quhilk meitting the freindis for the pairt of the said nobill lord grantit ane vrang done to the said Sir Jhone Wemis and his said servand, and thairfor the rycht honourabill Sir James Scott off Balvirie, knycht, in the name of the said nobill lord and his bairnis, in name off assythment, offerit the sowme off thre hundreth merkis monei Scottis, togidder with sic honouris as freindis vald dewyis: In respect quhairof the said nobill lord for him self, and takand the burding in and vpone him for his bairnis, and the said Dauid Wemis off that ilk, and the said Sir Jhone Wemis for his servand hes reffarit, and be thir presentis simpliciter refaris the decesisioune and modificatioun quhat mair sowmis for assythment foirsaid, and the forme of honouris thairfoir, in and to James Mortoune of Cambo, elder, Kineir off that ilk, and Jhone Lyndsay off Kirkforther, youngar, and in and to James Coluill of Eist Wemis, Johne Bossuell of Ballmuthow, and Jhone Lundie, appeirand of that ilk, for the pairt of the said Dauid Wemis of that ilk; and in cais of variance, the rycht potent Andro Earle of Rothes, od and ouersman: Quhilkis odman and ouersman sall conveine in the kirk of Couper in Fyffe, vpone the twentie tua day of Januar instant, at ten houris befor none, and thair accept the decesisioun of the said mater in and vpone thame, quho sall pronunce and gif furth thair delyuerance thairintill betuix that and the first day of Februar nixt cumis: and quhat ony foure off the saidis judgis with the ouersman delyueris thairintill, bayth the saidis parteis faythfullie bindis and oblissis thame to stand and abyd thairat, but reclamatioun or againe calling quhatsumeuer. And to the effect the saidis ouersman and judgis may

amicabilie pronunce and giff furth thair decreit in the said mater, the saidis pairteis hes subscryuit this present throche off peper in the bak blank, that abone thair subscriptionis the saidis ouersman and judgis decreit may be insert, to remane effectuall in all tymis cuming, and decernit to haif the strenth off ane decreit off the Lordis of Counsall, in ample forme. And quhill the said first day of Februar nixt cumis, the saidis Henry Lord Sinclair, and Dauid Wemis of that ilk, for thame selfis, bairnis, keine, freindis, alye, adherentis, compleses, servandis, and all vtheris that thai may stope or lat, faythfullie bindis and oblissis thame and ilk ane of thame, thair airis, executouris, and assignais, for stanching and stopping of forder pley, cummer, and inconveniencis amangis thame and interteining and continewing off peice, luif, and frendschippe amangis thame, nocht to prowok, invaid, trubill, molest, nor persew vtheris be word or deid, be ony maner off vay, bairnis, kine, freindis, alye, adherentis forsaid, and that in the vordis of Christians, gentillmen, paine or perjure, infamie, and off the sowme off to be pait be partie breker to the partie nocht brekand; and quhill the said first day off Februar nixt cumis, the saidis Henry Lord Sinclair, Dauid Wemis off that ilk, for thame selfis and thair foirsaidis, and euerie ane off thame, grantis assuirance off quyetnes for thair awin parttis, as said is, in maist suire band off assuirance vsit in this rome; sua that for thame, and euerie ane off thame, or off thair cauising, fortefeing, or hunding. thay and ilk ane off thame, kine, freindis, bairnis, and servandis may vse thair lesum busines, pas, repas, repair to kirk, mercat, and vther places neidfull, quhill the said day, but ony kynd of molestatioun, as said is, but fraud or gyill, be thir presentis, subscryuit with thair handis as followis, day, yer, and place forsaid.

Dauid Wemys off y^t^ Ilk.
S. Jhone Wemyss.

132. Commission by the Barons of Fife to Sir John Wemyss of Tullybreck, and Sir John Melville of Carnbee, to represent them in Parliament. 30th September 1595.

Be it kend tyll all men be thir present lettres, we, the barones and frehalderis within the schirefdome of Fyffe, to haif maid, constitut, and ordanit, and be thir presentis makis, constitutis, and ordanis honorable men and our weilbelouitis, Sir Johne Wemys of Tullebrek, knycht, Sir Johne Meluile of Carnbe, knycht, and ather of thame, coniunctlie and seueralie, commissioneris of the said schirefdome, to the effect vndirwrittin: Geuand, grantand, and committand to thame in solidum our full power and commissione to compeir, for ws and in our names, in our Souerane Lordis parliamentis and generall conventionis, appointit be his Maieste, of the estaittis, quhatsumeuir day or days lauchfull or to be appointit, vnto the feast of Michaelmes nixt cumis; and, with the saidis estaitis convenand, to consult, tret, determinat, voit and concluid in all materis and caussis quhilk sall be proponit in the forsaidis parliamentis and conventionis, tending to the glorie of God, weill of our Souerane Lord, his realme and lieges thairof; actis, instrumentis, and documentis to ask, tak, and rais, protestationis to mak, and generallie all and sindrie thingis to do, exerce, and vse, that to the executione of the premissis is necesserlie requyrit: Ferme and stabill haldand and for to hald all and quhatsumeuir thingis our saidis commissioneris dois or lauchfulle leidis to be done. In witnes of the quhilk thing, to this commissione subscryvit be sex of our nomber, conforme to the act of parliament, thair sex sellis ar hungin, at Coupar, the last day of September, the yeir of God i^{m}v^{c} fourscoir fyftene yeiris, befoir thir wytnesses.

Dauid Kynnynmond, fear off that Ilke.
Jhone Maluill of Raith.
George Clephene off Karslogy.
W. Ferny of that Ilk.
Androw Wod of Largo.
Dauid Barclay of Cullerny.
Jhone Inglis of Tarvat.
D. Betoun, fear of Balfowr.
J. Balronane.
J. Lundun, younger.
D. Forret of that Ilk.
Jo^{n} Patersone of Hiltervet.

133. Assurance of Peace by Patrick, Commendator of Lindores, to Sir John Wemyss of that Ilk. 4th July 1598.

Be it kend tyll all men be thir present lettres, ws, Patrik, commendatour of Lundoiris, for myself, and takand the burden vpon me for all my kyn, freindis, allaia, assisteris, fortefearis, defenderis, and seruandis, be the tenor herof to haif givin and grantit to ane honourabill man, Sir Johnne Weymes of that ilk, knycht, and Mr. James Makgill of Nether Rankilour, thair kyn, frendis, allaia, assisteris, fortefearis, tennentis, and seruandis, full assurance of all kynd of actione, questioune, quarrellis, contraverseis, prouocationes, vmbesetting, reuenging of quarrellis, civill or criminall, be the law or by the law, quhatsumevir, vnto the tent day of August nixt, vnder the pane of defamatione, periurie, violatione of our athes. In witnes heirof we haif subscryvit this present assurance with our awin hand, at Cowper, the ferd day of July, the yeir of God i^{m}v^{c} fourscoir auchtene yeiris; befoir thir witnessis, my Lord Duik, the Maister of Gray, Maisteris Thomas Buchannan, Thomas Douglas, Adame Michell, Jhone Caulcleuch, and William Cranstoun.

Tho^{as} Buchannan, vitnes.
Mr. Thomas Douglas, witnes.
V. Cranstoun, witnes.
Mr. Jhone Caldcleucht.
Mr. Adam Mychell.

Lundoris.
Lenox.
P. M^{R}. of Gray.

134. Commission by the Barons and Freeholders of Fifeshire to Sir John Wemyss of that Ilk and Andrew Wood of Largo, to represent them in Parliament. 18th October 1598.

Be it kend tyll all men be thir present lettres, ws, the baronis and frehalderis within the shirefdome of Fyffe, to haif maid, constitut, and

ordanit, and be thir presentis makkis, constitutis, and ordanis honorable men, and our weilbelouittis, Sir Johne Wemys of that ilk, knycht, and Andro Wod of Lairgo, con[i]un[ct]le and seueralle, commissioneris to the effect vndir writtin: Gevand, grantand, and committand to thame, or ony of thame, con[i]unc[t]le and seueralle, our full power and commissione to compeir in our Souerane Lordis parliamentis to be haldin the yeir to cum be his Maieste and his Hienes estaittis, quhatsumeuir day or days, place or places appointit be his Maieste thairto in this realme, and in all generall conventionis to be appointit or haldin be his Maieste and estaittis, quhatsumeuir day or days, place or pla[ces] within this realme; and thair with the estaittis convenit to consult, tret, determinet, voit, and concluid in all materis and causis to be proponit [in] the saidis parliamentis and conventionis, tending to the glorie of God, weill of our Souerane Lord, his realme and lieges thairof, and generall[e all] and sindry thingis to do, vse, and exerce, quhilkis we mycht do our selfis and we war personalle present; actis, instrumentis, and documentis [to ask], tak, and rais, protestationis to mak; promitting be thir presentis to hald ferme and stabill all and quhatsumeuir thingis our s[aidis] commissioneris, or ony of thame in our names, in the premissis lauchfulle leidis to be done: In wytnes heirof to thir presentis, subscr[yvit] be six of our baronis and frehalderis within the said schirefdome, conforme to the Act of Parliament maid thairanent, our sellis ar affixit, at Coupar, [the au]chtene day of October, the yeir of God i^{m}v^{c} lxxxxviii yeiris; befoir thir wytnessis, Johne Patersone of Hyltervet, Robert . . . of . . . and James Andersone, commone clerk of Couper.

[Da]uid Barclay of Cullerny.
[Jh]one Maluill of Rayth.
W. Lermonth, aprant of Darsy.
J. Lundie, youinger.
R. Dury, fear of . . .
D. Balfour of Strethor.
D. Lyndisaye of the Month.

135. Extract from the Acts of the Privy Council, of the admission of Sir John Wemyss of that Ilk, as a Baron and Lord of Parliament. 23d April 1628.

Apud Halyruidhous, vicesimo tertio die mensis Aprilis, anno Domini millesimo sexcentesimo vicesimo octauo.

The whilk day Williame, Erle of Monteith, President of his Maiesteis Counsell, presented and exhibite before the lords of his Maiesteis priuie counsell ane patent, vnder his Maiesteis great seale, be the whilk his Maiestie wes gratiouslie pleased, in remembrance of the good seruice done to his Maiestie be Sir Johne Wemes of that ilk, knight, to prefer, advance, and honnour him with the title, dignitie, preeminence, and ranke of ane baron and lord of parliament: Quhilk patent being read and considderit be the saids lords, they, with all dew reuerence, did acknowledge his Maiesteis bountie and favour showne to the said Sir Johne, and accordinglie did ressaue and admitt him as a baron and lord of parliament, to haue plaice, voit, ranke, and dignitie among the noblemen of this kingdome, in generall counsells, priuat and publict meetings, in tyme comming, and to be callit Lord Wemes of Elcho. Lykeas, the said lord being personallie present, he, with all dew reuerence and humilitie, ressaued frome the hands of the said Lord President the patent foresaid, and promeist to approue himselffe, to the vttermost of his possibilitie, worthie of the said honnour and dignitie whairunto his Maiestie wes pleased to advance him. Extractum de libris actorum secreti consilii supremi domini nostri Regis, per me Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus. Jacobus Prymrois.

136. Signature by King Charles the First to Lord Wemyss to be Earl of Wemyss. 14th May 1633.

Charles R.

Oure Soveraigne Lord, considering the worth and affection to his

Maiesties seruice of his Highnesse right trustie and welbeloued Lord Weymes of and his Maiestie being gratiously pleased to conferre vpoun him some marke of his princely favour and respect, thereby the better to enable and encourage him to doe his Maiestie goode service at all tymes hereafter, ordaynes, of his princely power and authority royall, a letter to be made vnder his Hienes greate seale of the kingdome of Scotland, in due forme, makeing, constituteing, creating, and inaugurating the sayd

Giveand and grauntand, likeas his Maiestie, by thir presents gevis and graunts to him, and his heires male for euer, bearing the surname and armes of the title, honour, order, and degree of dignity of an Earle, with all and sundry prerogatives, preheminences, priviledges, liberties, and immunities appertayneing and belonging therevnto. In the which title, honour, order and degree of dignity his Maiestie, by thir presents, and by the said letter to be exped herevpoun, investes and nobilitates the sayd and his heires male aforesayd, to be called in all tyme comeing To be holdin and to be had, the sayd title, honour, order and degree of an with all and sundrie priviledges, preheminences, prerogatives, liberties, and immunities pertayneing and belonging therevnto, to the sayd and his heires male aforesayd, of our sayd Soueraigne Lord and his successours for euer, in all and sundry his Maiestie and his successours parliaments, generall counsells, private and publict meetings, with right, place, and power to vote therein, and with all other prerogatives, dignities, immunities, and liberties pertayneing, or that might or may pertayne to an within the sayd kingdome at any tyme bygone or to come; and that the sayd letter be further extended in due forme, with all clauses needeful. With command therein to the Lyon King at Armes, and his brethren heraulds, to give and prescribe addition of badge and cognizance to the present armes of the sayd

as is accustomed in the like cases. And further, his Maiestie wills and graunts, and for his Hienes and his successours, decernes and ordaynes that the sayd letter to be extended herevpoun vnder the greate seale is and shall be as valide, effectuall, and sufficient in all respects to the sayd and his foresayds, for bruiking and enjoying of the sayd title, honour, and degree of dignity of an with all and sundry prerogatives, preheminences, priviledges, liberties and immunities pertayneing and belonging thereto, as if the sayd had beene inaugurated and invested therein be solemne rite and ceremony, with all the solemnities in the old maner, whereanent his Maiestie dispenses in that parte, by thir presents, for euer; ordayneing the same to be a sufficient warrant to the directour and clerks of his Hienes chauncellary for wryteing of a letter herevpoun to the greate seale in due forme, and to the keepares of the greate seale, for appending the greate seale therevnto, but passing of anie other seale or register, whereanent thir presents shall be vnto them a sufficient warrant. Gevin at our Court att Theobaulds the fourteen day of May 1633.

137. Act of Privy Council on the delivery by King Charles the First to John, Lord Wemyss, of the patent creating him Earl of Wemyss, Lord Elcho and Methill. 4th July 1633.

Apud Dumfermeline, quarto die mensis Julij, anno Domini millesimo sexcentesimo tricesimo tertio.

Forsamekle as the King's Maiestie, in acknowledgement of the good affectioun of his traist cousine, Johne, Lord Wemes of Elcho, to his Maiestie's service, and of his willing dispositioun in all humble and dewtifull obedience to continew therein, his Maiestie hes beene graciously pleased, for the better encouraging and enabling of him to that

effect, by his letters patent, bearing date at Halyrudhous the twentie fyft day of Junij last bypast, to preferre and advance the said Lord Wemes to ane higher title of honnour and dignitie, and hes made, constitute, creat, and inaugurat him Earle of Wemes, Lord Elcho and Methill, and hes givin vnto him, and his airs male, bearing the name and armes of Wemes the title, honnour, order, and degree of dignitie of ane earle, with all the prerogatives, preeminences, priviledges, liberteis, and immuniteis belonging thereto, and hes invested and nobilitat him, and his airs, to be callit in all tyme comming, Earles of Wemes, Lords of Elcho and Methill, as the said patent more fullie proports. Quhilk patent, his Maiestie (being in his palace of Dumfermeline, attended and accompanied with the Duke of Lennox, Lord High Chamberlane of this kingdome, the Marqueis of Hamilton, and diuerse others of his nobilitie and officers), delyvered out of his owne hand to the said Johne, Earle of Wemes, who wes personallie present, as ane pledge and tokin of his Maiesteis royall favour and bountie, ordaining him, and his airs male, to take place, and to have vote in parliament, conventions, generall counsellis, and in all publict and privat meitings, among the earles of this kingdome according to the date of his patent. Lykeas the said Earle of Wemes, with most submissive and humble reverence on his knees receaved the same patent frome his Maiestie, promising to the vttermost of his endeavoures to approve himselfe answerable to the trust that his Maiestie hes reposed in his fidelitie and alledgeance. Extractum de libris actorum secreti consilij supremi domini nostri regis per me Jacobum Prymerose, clericum ejusdem, sub meis signo et subscriptione manualibus. JACOBUS PRYMROIS.

138. PERMIT by the COMMITTEE OF ESTATES to Ships to trade in Coal and Salt. 26th April 1639.

WE, the committe at Edinburgh, efter better consideration, finding

that the restrent off coll and salt in this kingdome dois not only tend mutche to the prejudice off the importation off sutche necessares as the cuntrye dois stand in gryt neid off, bot also impoverisches the kingdome by intertining so manye men at worke quha must off necessite be payett, least their coell works suld perische iff thy suld desist from working; and it is euident that the salt is sutche ane comodite as will peresche off it selff iff it be not exportit; theirfor haue thoucht expedient to giue libertie to all schips to tred with coll and salt, as will giue their faithefull promisse to thois from quhom thy by the colls and salt that thy shall import nothing (bot moneys or amunition and wther necessares for the cuntrye) for their leadning bake to the cuntrye again. Be this our warrand, subscryvit with our hands at Edinburgh the 26 off Apreill 1639.

Mar.	Rothes.	Cassillis.	Lothian.
Wemyss.	Balmerino^{r}.		Loudoun, etc.
Yester.		Elcho.	Burghly.
	J. Erskine.		Forrester.

139. Act of the Privy Council regarding the Charter-chest of Scone. 11th March 1642.

At Edinburgh, the ellevint day of Marche the yeere of God j^{m}vj^{c} fourtie twa yeeres, anent the supplicatioun presented to the Lords of Secreit Counsell be James, Earle of Annerdaill, and Andrew, Lord Balvaird, airs of provision and taillie, respectiue, to Mungo, Vicount of Stormount, makand mention that where the said Vicount is latelie deceassed, and it concernes the saids supplicants verie neerlie, who are airs of his inheritance, to see that his charter kist, where his evidents and securiteis ly, be assured for thair benefite and behove, humbelie desiring therefore the saids Lords to giue order to such persons as they

sould think fitting, in maner and to the effect vnderwrittin, lykeas at mair lenth is conteanned in the said supplicatioun: Quhilk being read, heard, and considderit be the saids Lords, and they finding the desire thairof to be reasonable, the Lords of Secreit Counsell hes givin and granted, and be the tenor heirof, gives and grants full power and commissioun be thir presents to Johne Earle of Weimes, Robert Lord Burlie, and Sir Michael Balfoure of Deanmilne, or anie one of thame, to pas to the place of Skoone or Huntingtour, or where soever the said Vicount his charter kist is, and there to seule the said kist and the roume wherein the same stands, to remaine there in saife custodie unopenned or tuiched, to be furthcummand to the supplicants as accords of the law, and till farther order be givin hereanent; quhereanent thir presents sall be to thame ane warrant. Extractum de libris actorum secreti consilii supremi domini nostri Regis per me, Archibaldum Primerois, clericum ejusdem, sub meis signo et subscriptione manualibus. ARCH. PRIMEROSE, Cler. S. Cons.

140. BOND by the COMMITTEE of ESTATES to JOHN, EARL OF WEMYSS, for £6000 Scots.

At Edinburgh the tent of Aprill 1644.

FORSAMEIKLE as be the act of the estaites of Scotland, daittit the secund day of Februare the yeare of God J^m^vj^c fourtie foure yeares, made for raiseing of moneyes for ane present supplie to the armies sent to England and Ireland, it wes ordained that the lennares of moneyes for that vse sould have assureance for ther repeyment from the publict out of the moneyes due be the kingdome of England, or that sould be raiseit wpon the late excise, which the thesaurer or collectour sould be bund to pey out of the first of his intromissiones thairof, as the said act more fullie proportes; and now forsameikle as Johne, Earle of Weimes, att

the desyre of ws, the committie of estaites of this kingdome wndersubscryveand, hes presentlie lent and advancit to ws for the present supplie of the saids armies, whill the saids moneyes of excise, and due be the kingdome of England be ingotten, the soume of six thousand punds Scots, wherof wee be thir presentes grauntes the recept: Therfor wee, the committie of estaites, doe bind and oblidge the estaites of this kingdome to pey the said John, Earle of Weimes, his aires, executores, or assigneyes, the said principall soume of six thousand punds Scots money, money forsaid, out off the first and readiest moneyes that sall arise or come in to the vse of the publict out of the moneyes due be the saide kingdome of England to the saids armies, or that sall be gotten out of the said excise, or out of the taxationes, contributiones, or anie vther thing whatsomever heirefter to be layed on this kingdome, together with the ordinare annualrent and interes therof, conforme to the lawes of this realme, yearelie and termelie fra the date heirof whill the repeyment of the samine; and be thir presentes ordaines the thesaureres of the excise, or anie vther thesauereres or publict receaveres of anie of the moneyes forsaids, due or that sall pertein to the publict forsaid of this kingdome, to answer and pey the said John, Earle of Weimes, and his forsaidis, the said principall soume, with the forsaid annualrent therof yearelie and termelie fra the date heirof whill the repeyment of the samine, out of the first and readiest of the saidis moneyes, excises, contributiones, and vtheres forsaids, that sall happin to be vplifted or receaved be them; wheranent thir presentes sall be ane sufficient warrand to the saidis thesaureres of the excise, or anie vther thesaureres and publict receaveres forsaidis.

Loudoun Can^{ll}rius.	Bargany.
Glencairne.	J. Smyth.
Cassillis.	S. J. Wauchop.
Forrester.	

141. Commission by the Convention of Estates to David, Lord Elcho, to be Commander of the Foot against the Marquis of Huntly.

At Edinburgh the sixteene day of Aprile 1644. Forsamekle as the convention of estats have thought fitt that some forces be raised and imployed for suppressing the rebellioun of the Marques of Huntlie and his complices in the north, and for securing the peace of these bounds, and that some able and qualified person be made choice of to have command of the foot in this expeditioun, and having sufficient prooff of the abiliteis of the Lord Elcho for that charge, they doe therefore (with consent of James, Earle of Calander, commander in cheefe of the haill forces, hors and foot, now raised, or to be raised, within the kingdom, conforme to the commissioun givin to him, and als with advice of the Marquis of Argile, commander in cheefe of the forces to be imployed in this expeditioun), nominat and appoint, and heirby nominats and appoints, the said Lord Elcho to be commander of the haill foot that ar to be imployed in this service, with power to him to bruike, injoy, and exerce the said place, with all the priviledges, prerogatives, and dues belonging thereto, without prejudice alwayes of the commissioun granted to the said Marquis of Argile to be cheefe commander of the haill forces, hors and foot, in this expeditioun. This commissioun to endure ay and whill it be recalled be the parliament, conventioun of estats, or their committees, and be the officers in cheefe abone mentiouned, to whome he must be answerable for the discharge of this place committed to him.

Extractum, etc. Arch. Primerose, cler.

142. Act of the Estates of Parliament in reference to the Accounts of David, Lord Elcho. 14th January 1647.

At Edinburgh, the fourtene day of Januar, the yeir of God j^{m}vj^{c} fourtie

sevin yeiris, the estates of parliament haveing hard and considered the suplicatioune of Dauid, Lord Elcho, beirand ane trew relation of his cariage in the publict imploymentis put vpon him sen the begining of thir troubles in anno 1639 for advancement of the covenant and caus, persuance of the endis thairof, and defence of the cuntrie aganis the rebellis and enemies of the same: And desyring, in consideration thairof, that the parliament wald appoint some committie or auditouris to heir his accomptis, with the accomptis of the regimentis imployed in the publict service vnder his charge, and to appoint some solide cours quherby the suplicant may be preserved from rwine, and the poore widowis and fatherles children of these who loissed ther lyves in the publict service may have some meanis of subsistence and liveliehood dew to them for the arrearis of ther vmquhile husbandis and fatheris killed in the publict service, as the parliament sall think expedient, ather from the tuo hundereth thousand pund sterling from England, or anie other way as they salbe pleased to prescryve as the suplicatioune mair fullie beiris. The saidis estates hes remitted and recommended, and doe heirby remitt and recommend, the said Dauid, Lord Elcho, with his accomptis, and the accomptis of his regimentis mentioned in his suplicatioune, to that committie appointed for the Lord Humbies accomptis, to be hard, considered, and fitted be the samen committie, or quorum therof: And ordaines them thaireftir to mak report therof to the parliament, that thervpon the parliament may tak sick farder cours theranent as they sall think fitt. Extractit furth of the recordis of parliament be me, Sir Alexander Gibsone of Durie, knycht, clerk of register, vnder my signe and subscription manuall.

ALEX. GIBSONE, cl^s. regri.

143. RECEIPT to JOHN, EARL OF WEMYSS, for the key of the Charter-chest of Scone. 30th August 1647.

WE, James, Erle of Annandale, etc., and David, Lord Balvaird,

grant ws to have receaved frome Johne, Erle of Weymes, the key of the chartour kist of Scone, as witnes these presentis, subscrivit be ws, at Falkland, the penult day of August j^m^vj^c forty-seaven yeares, befoir thir witnessis, David, Erle of Southesk, James, Lord Carnegy, Sir James Scott of Rossy, Mungo Murray, cupbearer to his Majestie, and Mr. Williame Barclay.

ANNANDALE.
BALVAIRD.

144. WILL of ANNA BALFOUR, LADY ELCHO, first Wife of DAVID, LORD ELCHO, afterwards SECOND EARL OF WEMYSS. 18th June 1649.

Bay reson all fleish is mortall.

Ueimys, 18 Ioun 1649.

THIS is my uill, quhaitt sall bei doune uith my bodei clothes quhain itt sall bei Heis blist uill to kaill mei from thes leif to his eternall glorei :—

First, I ordein my ueilueitt nicht goune on my uofin ueiskott uithe siluer and gould, and my kramisei satin peitikot, brotherd uith perll, uith my stomigeir and sliues of itt scilf, and my grit prinkod and broutherd box[i]s, and my shoud beid I boir my shildrein in, with my beist broutherd gloufs and pair, and knifs laying in the kalbinet in my housbands stoudei for my dochtir Angous.

Neist, I ordein all the reist of my bodei klothes, beilongs mei, withe hir sisteris klothes, and all the noue stoufs, is in the kofir, saue the remaindeir of my Ladei Angous klothis, quheilk I ordein for hirseilf; with all my pirling klothis, beilongs to mei, quhan I lay in gising for my dochtir Maire. I onle reserueing my uilderas satin goun, and my dameis peitikott, uith my blaik tafiti goung, and the peitikot of itt, and my blaik tatin goun and the peitikot of itt, for thei Ladei Lougei, and all my bodei linings, sauef quhait my dochtir Angous thinks fitin

for my dochtir Marei. I ordein no seruant to geit anei of my bodei klothes thatt ather bairn or frind kain ueir; and if itt sall pleis God, as God forbeid, to kaill my dochtir Marei beifor shoue hais maid ous of thir klothes, I ordein all I haue leift hir to bei giuin to my goddochtir, Anna Routhain, saue my kloth of silueir peitikott and stomageir, and the 10 els of nou skarlitt satin, uith the nou klothe of siluir, sould bei an ueiskoitt, and the noue quheitt saitin, sould bei an ueiskot, and my ratine peitikott; thes, I ordein in thatt kais, to bei giuin to my dochtir Angous. Thes is my uill quhaitt sall bei doun uithe my bodei klothis to my shildrin, uith Gods blising and mein to them all.

ELCHO. A. BALFOUR.

145. ANOTHER WILL by the same ANNA BALFOUR, LADY ELCHO.

Bay reson all fleich ar mortall.

Att Ueimyss, 18 Ioun 1649.

THIS is my uill quhaitt sall bei doun uithe my iouls and bodei klothes amongst my shilldrin quhain itt sall pleis the Lord to kall mei from this leif to his etarnall glorei.

First, I ordein my housbands portratt, uithe the 7 diamond ringis laying uith itt, and the bloudston and bloudstons braisleitt, uithe Docktir Arnot's stone, that is for the ueimen in traueill, uithe the drad routt lais in the lokitt shotill of my kalbineitt, for my sonne Jhone; and, if itt pleis the Lord to kall him, as God forbid, I ordein itt all for his brother Alaxandeir, uith Gods blissing and mein to them bothe.

Neist, I ordein my ros diamond ring ine the grin ueillueitt bok [box] for my sonne Alaxandeir; and if the Lord kall him, as God forbid, I ordein itt for Jhone.

Thrid, I ordein my peirll chaingei and peirll boutons, and peirll and roubei braislits, uithe my tua rosis seitt uith roubeis, and my

diamond hingeir, and the topais heingeir, and my ponted diamond ring, and my christall naiche for my dochtir Marei, uith Gods blising and meine; and if itt sall pleis God to kall hir, as I pray God forbid, I ordeine them for my sonnes ueifs, and eueir itt pleis the Lord they geitt anei: and if non of them all bei to the for, as an thousand tyms God forbid, I ordein all thes for my dochtir Angous and hir bairns. Mor, an pair of koural brislits, an pair of ambir braslits, an pair of peirll, an mouf for my dochter Marei.

A. Balfour.
Elcho, consents.

I ordein my shoud kalbineitt, I gaitt from Colonall Ueimyss ueif, for my sonne Jhone, an my kalbineit in my housband's stoudei for Mayrei. Elcho.

Quhaitt I ordein in tokins for my dir frinds. Att Ueimyss, 18 Joun 1649.

For my dirist housband, my brotheirid grin satin pours, and all my gould is in itt, to bei uorn bei him so long as hei leiues, for my saik, and aftir his deith to bei giuin to anei of mein hei loues beist.

Neixt, I ordin my Skots diamond ring for my dir faither, to ueir for my saik, as from the louingist dochtir euer faither haid.

Third, an gould seill, uith my mothers naime on itt, for my dirist brother: and I leiue hei sall haue an beitir gift.

Fourth, my teid ston ring, uith my laither beilt I gait from Doktir Arnott, for my dochtir Angous, and my greitt kourall brislitt, an mouf, an tipitt, and kalbineitt in my stoudei.

Feith, my gould brislits for my sistir Friland.

Seunth, my striking knouk for Jeain Linsay, an my grit brotherd Bebell.

Auchtt, my 7 diamond ring, and my piktor kais for my goddochtir, Anna Routhane.

Neinthe, an littill hingeir seitt uith tourkasis, and my iacinte ring to my goddochtir, Anna Aytone.

Teinth, my ring seitt round aboutt uithe roubeis, for my sistir Fernei.

A. BALFOUR.

ELCHO, consents.

[Indorsed] This is my laist uill and testameintt quhaitt sall bei doun uith my iouls and bodei klothes amongst my childrein, if itt sall pleis the Lord to kall mei, and nott to bei brokin oup on no terms so long as I liue, bott to bei retournd to mei quhane euer I kall for itt.

146. AGREEMENT regarding Executry of Lieutenant DAVID WEMYSS. 19th February 1652.

Artickles of aggreinent betuixt Sir John Weymes of Bogie, executour to Leiwetenent Dauid Weymes, Agnes Lundie, his relict, and Dauid Weymes, and remanent legatouris of the said vmquhile leiwetenent.

IN primis, that the legatouris and the relict, as relict and legatrix, giff ane dischairge to Sir Johne Weymes of Bogie, and schoe to delywer him the dischairges of the debtis payed be hir.

Item, that the aucht thowsand merkis dewe be the Earle of Weymes, that the relict, Agnes Lundie, have ane newe band for fyve thowsand merkis thairof for hir legacie, withe annuelrent sen Witsunday 1650, allowing quhat schoe hes gottine.

Item, that the remanent bandis contenid in the testament be renewed, and the bandis conceiwid in fawouris of the relict for hir lyfrent for making vp the annuell of the principall sowme of sax thowsand tua

hundrithe fourscoir and ten merkis, and the fie thairof to be in fawouris of Dauid Weymes and remanent legatouris, according to thaire proportiounes contenid in the testament and inwentar, and the annuell to hir to be since Witsunday 1650, allowing quhat schoe hes ressawed.

Item, that schoe be dischairged of the mowables of the house specifeit in the testament.

Item, that the executour obteine decreitis, giff neid beis, aganes anie of the dettouris in the testament, at the least sall len his name to the relict and legatouris for obtening thairof.

Item, that the relict be exonerid of Cicill Weymes fyue hundrithe merkis of debt in the testament and inwentar, and annuelrentis thairof, and of the rest of the legaceis.

Item, that the relictis rycht of Ludowick Lesleis thrie hundrithe merkis, lese or mare, be reserwid to hir provt de iure, and hir lyfrent rycht of Dauid Weymes in Dundie his thrie hundrithe merkis quhilk he wes auchtand to the defunct, and alse of hir lyfrent of thrie hundrithe pundis, lese or mare, alledgit awand be the publict as accordis of the lawe.

Item, at the reneweing of the bandis be the dettouris of the testament, that the laird of Bogie, executour, giff to ewrie ane of thame ane dischairge, and the relict to giff him the auld bandis of the dettouris quhilkis ar yit in hir handis. Subscribit at Kirkcaldie the nynteine day of Februar j^m^vj^c^ fyftie and tuo yeiris, befoir thir witnesses, Lundie of Stratherlie, Mr. Thomas Murrey, advocat, and Mr. Andro Aytone of Kinglassie, advocat, wreater heirof, Captane Lewetenent John Nairne.

J. Lundy, witnes.
M^r^ Tho. Murray, witnes.
Mr. A. Aytoune, witnes.
Jo. Nairne, witnes.

S. J. W. Bogie.
Agnes Londie.
Dauid Vemys.
Cicil Wemys.
Margret Wemys.

147. CONTRACT OF MARRIAGE betwixt DAVID, EARL OF WEMYSS, and Lady MARGARET LESLIE, COUNTESS OF BUCCLEUCH. 23d December 1652.

AT Schirrefhall, the tuentie thrid day of December, i^m vi^c and fiftie tua yeires, it is appoyntit, agried, and finallie contracted betuix the pairties following; to witt, ane noble earle, David Earle of Weyms, Lord Elcho, on the ane pairt, and ane noble lady, Dame Margaret Leslie, Countes of Buccleuch, with consent of ane noble earle, John Earle of Rothes, hir brother german, on the vther pairt, in maner following: that is to say, the saids Earle of Weyms and Countes of Buccleuch, with consent foirsaid, bind and obleis thame to solemnizat and compleit the band of mariage, aither of them with vthers, in face of holie kirk, as God's Word does allow, betuixt the dait heirof and the day of but longer delay. In contemplation of the which mariage, and befoir the solemnization therof, the said Earle of Weyms binds and obleissis him, his aires and successors, to dewlie and laufullie infeft and saise the said Dame Margaret Leslie, Countes of Buccleuch, his promeist spous, in lyfrent, for all the dayes of hir lyftyme, in all and sindrie the lands and vthers vnderwrettin; to witt, all and haill the lands and baronie of Eist Weyms, comprehending therin the lands and maynes of Eist Weyms, with tour, fortalice, maner place, . . . the lands of Kirktoun, Windiedge, Harlaw, the toun and lands of Buckheavin, . . . within the parochin of Weyms, . . . within the shirefdome of Fyiffe; . . . the lands of Camroun, with the maner place, . . . the corne mylne of Camroun, . . . within the stewartrie of Fyiff, and shirefedom therof, . . . the lands of Methill and baronie therof, . . . the lands of Hill and Pirny, . . . within the regalitie of Sanctandrois and the said shirefdome of Fyiffe: Reserving alwayes to the said Earle of Weyms, his aires maill and successors, the coalls win, and to be win, within the bounds of the lands and vthers abouementioned; with

libertie and power to him and them to caus win the saids coills, and to cast sinks and coill pots for that effect, and to mak and haue wayes and passages for transporting of the saids coills so to be win frae the coillheuchs to the harborie of Eist Weyms, or any vther place elswher: Reserving also to the said Earle of Weyms and his foirsaids the superioritie of the lands and housses lying within the said barony of Eist Weyms, perteining to the vassells therof in propertie; and lykwayes reserving priviledge to the said Earle of Weyms and his foirsaids, to build, erect, and manteine a harborie and saltpannes, within any pairt of the said barony of East Weyms, and to vplift the customes of the said harborie, and profeitts of the saids saltpannes, . . . provyding that the customes of the fish boatts of Eist Weyms and Buckheavin be not comprehendit therin, which ar heirby reserved to the said Countes of Buccleuch, promeist spous to the said Earle of Weyms, during hir lyftyme efter his deceis, iff she shall happen to survive him, and that be double infeftments in dew forme . . . Lykas the said Countes of Buccleuch, with consent foirsaid, hes accepted, and, be thir presents, accepts the lands, teynds, and vthers abovewrettin, heirby provydit to hir, as said is, in full contentation and satisfaction to hir of hir conjunctfie, terce, or third pairt of all vther lands, heretages, or annuellrents that mey fall and pertein to hir, or that she mey ask or clame be or throw the deceis of the said Earle of Weyms, hir said promeist husband, incase it shall happen hir to survive him, except allennerlie hir pairt of the moveables: And in lykmaner, but prejudice therof, and of the clauss of warrandice respectiue abouementioned, hurt or dirogation therto, in any sort, the said Earle of Weyms binds and obleissis him and his abouewrettin to warrand to the said Countes of Buccleuch, his prōmeist spous, that the lands, teynds, and vthers abouespecified, heirby provyded to hir, as said is, will pey and give to hir yeirlie, during her lyftyme, efter the deceis of the said Earle of Weymes, if it shall happen

hir to survive him, the haill number of thriescore chalders victuell, quherof fourtie chalders beir, and the rest in sufficient meill, of frie rent, by and attour few dewties, teynd dewties, and ministers stipends, imposed and to be imposed: As also the said Earle of Weyms binds and obleissis him, his aires and successors foirsaids, yeirlie, during the lyftyme of his said promeist spous, efter his deceis, to delyver and caus be delyvered frielie to his said promeist spous, at the coilhill neirest to the said manor place of Eist Weyms for the tyme, the haill number of threttie sufficient loads of coalls weiklie, togither with thrie chalders of small salt yeirlie, at the saltpannes of Weyms, to be vsed and disponed vpon be hir at hir pleasur: And becaus the said Earle of Weyms his estait and living is provydit by his infeftment vnder the Great Seill to his aires maill and of taillie, and he being willing to give competent provisiones to the dochters to be procreat of the said mariage, failzieing of aires maill of the samen mariage, who ar and shall succeid (if any be) to the said Earle his haill estait; therfoir the said Earle of Weymes binds and obleissis him, and his aires maill of taillie, and successors to him in his living and estait, to provyd and pey to the saids dochters the soumes of money vnderwrettin, viz., iff ther be onlie ane dochter, the soume of fourtie thousand punds Scotts money; iff ther be tua, to the eldest the soume of threttie thousand punds money foirsaid, and to the secund the soume of tuentie thousand punds money abouespecifeit; and if ther be thrie or mae, the soume of thriescor thousand punds money abouewrettin, whereof to the eldest the soume of threttie thousand punds, and the remander of the said soume to be divydit equalie amonges the rest, their aires and executors, and that at their perfyt ages of fyftein yeirs compleit; and in the meintyme, the said noble Earle obleissis him and his foirsaids to educat and bring vp the dochters of the said mariage honorablie according to their rank and qualitie, and to pey annuellrent for the saids soumes, efter the termes of peyment therof, whill the compleit peyment of the samen, and to intertein them

whill the first terme's peyment of the said annuellrent: Which soumes of money abovewrettin, peyable to the saids dochters in maner foirsaid, is and shall be in full contentation to them of all lands, heretages, moveables, and vthers whatsumeuir that mey pertein and belong to them as aires of lyn, executors, or bairnes to the said noble earle, their father, off the which lands, heretages, moveables, and vthers, they shall be holdin to denud themselffs, in favors of the saids aires maill and of tailzie, they alwayes releiving the saids dochters, as aires of lyn, executors, or bairnes, of all debts, soumes of money, and burdings whatsumeuer, wherwith they mey be anywayes burdeined as aires, executors, or bairnes to their said father: And farder, it is agried vpon betuix the saids pairties, that execution shall pas heirvpon at the instance of the said Earle of Rothes, his aires maill and successors, for implement and fulfilling of this present contract, in so far as the samen is conceaved in favors of the said Countes of Buccleuch and hir bairnes of the foirsaid mariage, in maner aboue rehearsed. And morover, the said Earle of Weyms, be thir presents, maks and constitutts

and ilk ane of them, conjunctlie and seueralie, his baillies in that pairt, to give lyfrent, stait, and sasine, and als actuall, reall, and corporall possession of all and sindrie the lands, baronies, mylnes, and vthers respectiue aboue mentioned, with all thair pairts, pendicles, and pertinents aboue expreimed, lying as said is, to the said Dame Margaret Leslie, Countes of Buccleuch, for all the dayes of hir lyftyme, or to hir actorney or actorneys in her name, beirers heirof, be delyvering of earth and staine of the ground of any pairt of the saids lands, at the said maner place, tour, and fortalice of Eist Weyms, which shall be sufficient sasine for the haill lands, mylnes, and vthers foirsaids, notwithstanding that the samen ly not contigue; and that vnder the reservationes, restrictiones, provisiones, and conditiones alwayes abouespecified: To be holdin, aither of the said Earle of Weyms, or of his saids superiors, or of both, in maner aboue rehearsed, conforme to this present contract, and infeftments appoynted to follow

heirvpon, or any of them: the which to doe the said Earle of Weyms heirby committs to his saids baillies, and ilk ane of them conjunctlie and severalie, as said is, his full and irrevocable power. And for the mair securitie, both the saids parties ar content and consent that thir presents be registred in the Buiks of Session, or Court of Justice, or in the buiks of whatsumeuer vther ordiner judicatorie within this nation for the tyme, to haue the strenth of ane act and decreet of any of the judges therof; that lettres of horning, be ane simple chairge of sex dayes onlie, and vthers lettres and executorialls neidfull mey be direct heirvpon, in forme as effeirs: And for registering heirof, constitutts their procurators.

In witnes wherof they haue subscryued thir presents with their hands, (wrettin be Alexander Adamsone, wreittar in Edinburgh), day, yeir, and place foirsaids, befoir thir witnesses, Archibald Erle of Angus, Hew Lord Montgomrie, Robert Lord Coluill of Cleish, Ralf Dalavell of Seatoun Dalavell in Northumberland, Sir John Scot of Scottistarvet, knycht, Sir William Scot of Clerkingtoun, knycht, Sir William Scot of Harden, knycht, Sir John Aitoun of that ilk, knycht, Sir John Weymes of Bogie, knycht, Patrik Scot of Langshaw, Mr. Andro Aitoun of Kinglassie, and Alexander Leslie, wreitter in Edinburgh, filler vp of the blankis, dait, and witnes naimes, Dauid Weymes of Fingask, and Mr. Robert Meldrum of Tillibodie, and James Weymes of Pitkenie.

WEMYSS.
MARGARET LESLIE.

Robert Colluill, witnes.
S. J. Ayttoune off that Ilk, wittnes.
S. J. W. Bogie, witnes.
Ro. Meldrum, witnes.
Dauid Wemys of Fyngask, witnes.
Mr A. Aytoune, witnes.
Alr Leslie, witnes.

Angus, witnes.
Montgomerie, witnes.
Ralph D'Laual.
Sr J. Scottistarvett, witnes.
W. Scott, witnes.
S. Williame Scott, witnes.
P. Scott, witnes.
J. Wemys, witnes.

148. Testament of Lady Jean Wemyss, wife of Colonel Harry Maule. 1st August 1655.

The Testament and Letter Will of Lady Jeane Wemyis, and her humble and last desyres to her husband, Colonel Harie Maule, given vp be word of her awin mouth, vpon the first of Agust, one thousand sex hundreth, fyiftie and fyve yeiris.

I earnestlie intreat that my husband will be pleased that our douchter Marie, after my death, may be delyverit to my Lady Marischell, and her woman, Anna Balfour, to stay vith her for her educatione; my Lady Marischell being pleased vith the said Anna, her gude behaviour and careage for the childes educatione: and after it sall please God to call my Lady, the childe being alyve, I intreat my husband that the chylde may be delyverit to my Lord Wemyis, my brother, to remaine vith him till her mareage. I leave her all my jewellis and rings, and all that is within my cabinet; to witt, those fourteine diamond buttones which ar in England vith my husband, or what he changes them for; the king's pictur, quhich is set with four scor of small diamonds; ane gold bodkin for the head, vith ane topaz on the tope of it; ane diamond ring vith fyve diamonds; ane diamond ring which I gott from my husband; ane vther diamond ring which hes thrie diamonds in it; ane ring vith tuo diamonds and ane emeraud; ane diamond ring vith four stones; ane diamond ring vith one stone; ane thumb ring of gold enembled black; ane enembled black woope; ane bloodstone, which is cutt, and hings by ane small hinger of gold; ane neck leace of pearle, vith sex strings in it; ane vther pearle neck leace, vith tuo strings; ane pearle bracelet, and ane pearle belt; ane neck leace of the jasper, vith ane bracelet which goes tuyse about the wrest, this is called blood stones; ane bracelet of currell, consisting of thretteine beeds; ane pair of black and whyt agat braceletis, vith

pearle; a big ring, quherevpon my name and armes is, which is a topaz; ane serpent stone, which is blew and whyt; ane eagles stone, quhich is grayes and ratles; ane corbie stone, quhich is long lyik ane lint whyt egg, and transparent; ane greine splene stone, quhich is not sett; ane gold smith work bracelet of emerauds and pearle; ane pictur kais, vith my Lord Sinclar's pictur in it; some lamber beeds that is prettie bigg; ane emeraud and ane diamond quhich is not sett.

I leave my douchter Marie all my body cloathes: I desire that presentlie after my death that the cabinet and coffer vith those cloathes be sent to Ballosheyne, and delyverit to my Lady Marischell; for shee can mak no vse of any thing that is in them till she be a voman: and if it sall please God to call her, I desire that her brother Patrick may have, and failzeing them both, to my husband.

I leave my sone Patrick to the Earle of Panmuir, the which I desire my husband earnestlie to be pleased vith.

I humblie and earnestlie intreat my husband that he would give ane testimonie to my friends of his respect to me; that he would mak ane bond of tuentie thousand merkis to Marie, if it sall please God that Patrick lyve, and if it sall please God to call Patrick, I hope my husband will performe that which is contained in our contract of mareage concerning the douchter.

I leave all the plenishing vithin the house to my husband.

Hopeing my husband will give testimonie to the world in doeing what I have desyred concerning his children, leaving my blissing to my children, I rest.

This was done befor Mr. Jhone Kynneir, Doctor of Phisick at Aberbroath, and Georg Stratone, burges of the said brugh, wreitter heirof, day, place, and yeir of God forsaid.

J. Wemyss.

Mr. J. Kynner, M.D., witnes.
G. Stratone, witnes.

149. Gift by King Charles the Second, of the Ward and Marriage of Mary, Countess of Buccleuch. 4th September 1660. [Copy.]

Charles R.—Our Suveraigne Lord ordains a letter to be made and exped under his Majestie's privie seal of the kingdom of Scotland, or uther usuall seals, in due and competent form, givand and granting to John, Earle of Rothes, and David, Earle of Wemys, ther airs and assigneyes, one or more, the ward and mariage of Marie, Countess of Buccleuch, and failing of her by disease, or in case the samine shall fall or come in our hands, the ward and mariage of Lady Anna Scott, her sister, or of any other heire or heirs that shall hapen imediatly to succeed them, by or through the desease of Francis, Earle of Buccleuch, or any other ther predecessors, togither also with the ward, nonentrises, and reliefe of all and quhatsomever lands, baronies, or heritage holden by them of his Maiestie in simple or taxt ward or few, cum maritagio, if any such be; with pouer to them, ther ars or assigneyes, to uplift and receave the whol meals, ferms, profits, and casualities quhatsomever, faln or which migh[t] fall, to his Maiestie or his predecessors, and to use and dispose thairupon att ther pleasour, and that of all yiers and terms, as well bygon, as in time coming, so long as the samine hes bein or shall be in his Maiesties hands, with the nonentrie thairof whill the lawfull entrie of righteouse heire or heirs thairto; with the reliefe of the samen, when it shall hapen: With p[o]uer to our saids donators and ther forsaids to exact, intromitt with, and uptake the valow of the saids mariages, single or double, to persue therfor, and to compon, transact, and agree theranent, and generalie to do everie thing concerning the saids ward and mariage which his Maiestie might have don himselfe, before the granting of this signatoure, which is declared to be as valid and sufficient as if each baronie and tenement which holds of his Maiestie, either in

simple or taxt ward, or few, cum maritagio, as it wer heerin set doun and expressed, dispensing with the generalitie heirof: Which letter of gift his Maiestie declares to flow from his oun proper motione and certain knowledg, and ordains the samin to be extended in the most ample form, with all clauses and solemnities nesesarie or requisit, wherwith his Maiestie by these presents dispenses. Given att our court att Wheithall, September 4th, 1660, the twelt yeir of our reigne.

May it please your Maiestie:

This contains your Maiesties gift to John, Earle of Rothes, and David, Earle of Wemyss, ther heirs and assigneyes, [of] the ward and mariage, of the nonentrises and reliefe, of Marie, Countess of Buccleuch; and, failing of her by discease, of Lady Anna Scott, her sister, and of any other heir or heirs which shall hapen imediately to succeid them, by discease of ther father or predecessors, with p[o]uer to the said donators to compon and agree for the same.

LAUDERDAILLE.

150. PETITION by JAMES WEMYSS, General of Artillery, to KING CHARLES THE SECOND. 1664.

To the Kings Most Excellent Majestie, the humble petition of James Wemyss, Generall of your Majesties Artillery of Scotland;

SHEWETH, that your Majestie was gratiously pleased to write to your Parliment of Scotland in there first session in your petitioner's favor, willing and requiring them to cause speedy payment to be made to him of what remained vnpayed of diuerse shires which were ordained by acts of Parliament and Comittee of Estates, for two traines of artillery, the one of 17 peece of ordnance and 30 small ons, which were tryed in your Majesties presence by a counsell of warr, with peeces of

brasse of like calliber, and approved by them after the losse thereof at Dunbarre, when all that was proposed for providing another traine proved vneffectual, his zeale to your service forced him, above his strength, to vndertake to your Majesty to provide one of 20 peeces mounted vpon his owne charge, which he brought to Sterling against the day of rendevous, but to his misfortune he found nothing but delayes to the last day of that session, and then remitted him to goe to law with those shires. And it doth since appeare that they past two acts one the very same day of his remitt, the one impowering Sir John Wemyss and Sir Alexandre Durham to collect the remainder of all the maintenance which was imposed by Parliament during the time that Sir John Wemyss was generall comissary: out of the first and readiest thereof my Lord Middleton, then your Majesties commissioner, was to have sixty thousand pound Scots, and hath received above fifty thereof; the other impowering Sir John Smyth and Sir Alexandre Durham to collect the remainder of all that was imposed while Sir John Smyth was generall comissary; out of the first thereof my Lord Middleton was also to receive, and hath received, fourty thousand pound,—both amounting to a hundred thousand pound, fourty of which was allowed for interest: Vnder pretence of which act they, the said Sir John Smyth and Sir Alexandre Durham, have involved and vplifted, amongst other great sumes of money, what was due to the petitioner by those acts aforesaid, although Sir John gave him formerly, when he was generall comissary, precepts vpon the collectors of severall shires for a thousand pound sterlin, as those acts did ordaine; which acts and precepts he hath to produce. That he petitioned my Lord Commissioner and Estates of Parliament this last session for redresse, but after his attendance that whole session also, was by reason of my Lord Middleton's intromission remitted as formerly to the law, vpon which he had a consultation of his advocats, who doe declare vnder there hands that all further suites at law are groundlesse,

and that the petitioner hath no other remedy left for satisfaction but to your sacred Majesties justice. That his two journeys to Scotland, and attendance the first and last sessions of Parliament and law suits, hath cost him above seaven hundred pound sterlin, and that he and his freinds payeth interest to this day for a thousand pound sterlin, which he was necessitate to engage for to finish the traine of 20 peeces aforesaid.

His humble suite therefore is, that your Majesty would be graciously pleased to take the premises into your princely consideration, and prevent the petitioners vtter ruine, by ordaining effectuall payment to be made to him out of the fines, excise, or elsewhere, of what rests vnpayed of the aforesaid acts, which is fifteene hundred pound sterlin, togeather with the interest therof from the date of the acts; and that your Majesty will be pleased to name what ye in your wisdome doth judge he doth deserve for the nine peeces of ordnance mounted, and 42 small ons, which your Majesty knowes he so cheerefully furnished and presented, over and above the traine of 20 peeces he promised, that he may receive payment thereof with the rest. And as in duty bound, he shall ever pray, etc.

Whitehall, 6 December 1664.

His Majestie is gratiously pleased to declare that when he divides the fines he will give to the petitioner two thousand pound sterlin out of the same, and will otherwise reward the petitioner for the remainder of his just pretensions. LAUDERDAILL.

151. Demission of his office by James Wemyss, General of Artillery. 29th November 1666. [Copy.]

To the Kings most excellent Majestie, the humble dimissione of James Wemysse, General of your Majesties Artelerie in Scotland, of the said office, with the reasons.

First, and chiefly, that his debility of body by age, accompanied with frouns of fortune, hath rendred him altogither unable to performe what that office doeth and may require. That he hath served your Majestie therin in the worst of tymes faithfulie, upon his oun charges. And such was his zeal to your service, that he undertooke to your Majestie privatlie after the disaster at Dumbar, when all that was proposed for provyding a new traine failed, to prepare one upon his oun charge, which he did, consisting of 29 pieces of ordinance, and 42 smal ones. What your Majestie hath alloted him hitherto for the samen (when payed) will bot pay the interest of that mony, disbursed by him in perfecting the same. And what he hath bein doing these tuo last years (also upon his oun charge), wold, if finished (he is assured), be advantagious to your service in this war. The particulars he hath acquainted your Majestie with, bot have bein necessitat to give over and leav all in confusione. And lastlie, that he hath nothing from your Majestie in this his old age to mentaine him with, which forceth him, with your leave and favour, to retire to a privat life (how mean soever), where he shall daily pray for your Majesties long and prosperous raigne. And remaine your Majesties most humble bot ruined servant. J. Wemyss.

November 29th, 1666.

152. PATENT creating SIR JAMES WEMYSS, LORD OF BURNTISLAND, during his life. 18th April 1672.

CAROLUS Dei gratia Scotiæ, Angliæ, Franciæ et Hiberniæ Rex, fideique defensor, omnibus probis hominibus suis ad quos præsentes literæ nostræ pervenerint, salutem: Sciatis nos tanquam vnicum fontem honoris fecisse, nominasse, constituisse, creasse et ordinasse, tenoreque præsentium facere, nominare, constituere, creare et ordinare dilectum nostrum dominum Jacobum Weymes, militem, dominum Parliamenti titulo domini de Bruntiland designandum et indigitandum; quinetiam dedisse, concessisse, contulisse et collocasse, tenoreque præsentium dare, concedere, conferre et collocare in eum quoad cunctos dies eius vitæ naturalis duntaxat prædictum titulum, honorem, dignitatem et gradum domini Parliamenti, ut ita denominetur et designetur omni tempore deinceps durante spatio antedicto: Cum potestate sibi durante dicta eius vita denominandi et designandi semetipsum Dominum de Bruntiland, ac gaudendi et fruendi dicta dignitate cum omnibus et singulis prærogativis, præcedentiis, præeminentiis, privilegiis, libertatibus et immunitatibus, eo pertinentibus et spectantibus, quibusquidem nos nobilitavimus et investivimus, tenoreque præsentium nobilitamus et investimus prænominatum dominum Jacobum Weymes durante toto spatio antedicto: Tenendum et habendum præscriptum titulum, gradum, honorem, ordinem et dignitatem domini de Bruntiland, cum omnibus et singulis prærogativis, præcedentiis, privilegiis, immunitatibus aliisque quibuscunque eo pertinentibus et spectantibus, memorato domino Jacobo Weymes, durante dicta eius vita naturali, de nobis, in cunctis nostris parliamentis, ordinum conventibus, generalibus conciliis omnibusque aliis congressibus huius antiqui regni nostri Scotiæ, quam publicis quam privatis, non minore iuris libertate et amplitudine in omnibus respectibus quam quicunque alius dominus Parliamenti similem gradum, titulum, honorem

et dignitatem quovis tempore elapso possedit et gavisus est, de præsenti possidet et gaudet, vel in posterum durante spatio antedicto frui gaudere seu possidere poterit. Mandamus porro Leoni nostro Regi armorum eiusque fratribus fecialibus, ut tale additamentum insignium præsentibus armis antememorati domini Jacobi Weymes, prout in talibus casibus usitatum est, dent et præscribant. In cujus rei testimonium præsentibus magnum sigillum nostrum appendi præcepimus, apud Whythall, decimo octavo die mensis Aprilis, anno Domini millesimo sexcentesimo septuagesimo secundo, et anno regni nostri vigesimo quarto.

Per signaturam manu supremi domini nostri Regis suprascriptam.

153. Patent to Lady Margaret Wemyss of the title of Countess of Wemyss. 23d August 1672.

Carolus Dei gratia Scotiæ, Angliæ, Franciæ et Hiberniæ Rex, fideique defensor, omnibus probis hominibus suis ad quos præsentes literæ nostræ pervenerint, salutem. Sciatis nobis enotuisse et compertum esse quondam nostrum charissimum patrem felicis memoriæ, per literas suas patentes sub suo magno sigillo debite expeditas, de data vigesimo quinto die mensis Junii, anno Domini millesimo sexcentesimo trigesimo tertio, dedisse, concessisse et disposuisse demortuo Joanni comiti de Weymes etc. eiusque hæredibus masculis in perpetuum, cognomen et insignia de Weymes gerentibus, titulum, dignitatem et gradum honoris Comitis de Weymes domini de Elcho et Methill etc.; quinetiam nos resignationem a prædilecto nostro consanguineo et consiliario Dauide nunc comite de Weymes, filio et hærede præfati quondam Joannis comitis de Weymes amplexos esse, ac desuper cartam sub nostro magno sigillo dedisse de data apud Sterling, vigesimo secundo die mensis Julii, anno Domini millesimo sexcentesimo quinquagesimo primo, non solum terrarum et prædiorum inibi expressorum, verumetiam præ-

dicti tituli honoris et dignitatis comitis de Weymes domini de Elcho et Methill etc., memorato Dauidi comiti de Weymes ac hæredibus masculis ex proprio eius corpore, quibus deficientibus cuicunque personæ per eum, sive sanum sive ægrum, sive in lecto ægritudinis nominandæ ad succedendum sibi, et deficiente tali nominatione seu destinatione, proximis eius hæredibus masculiş quibuscunque; quibusquidem personæ seu personis ita nominandis potestatem et libertatem concessimus semetipsos deservire et retornare hæredes talliæ illi, similiter ac si disertis verbis in prædicta carta nominati fuissent: Cumque præfatus David comes de Weymes in tallia disposuerit et prouiderit terras suas et titulum honoris, per nuperam resignationem et cartam sub nostro magno sigillo sibimetipsi et hæredibus masculis ex proprio eius corpore, quibus deficientibus dominæ Margaretæ Weymes, eius vnicæ filiæ procreatæ inter eum et dominam Margaretam Lesly, eius præsentem sponsam, et hæredibus masculis ex eius corpore, quibus deficientibus aliis hæredibus talliæ inibi comprehensis: Acetiam quod per contractum matrimonialem, initum et perfectum inter confisum nostrum consanguineum, Jacobum dominum de Bruntiland, inibi designatum dominum Jacobum Weymes de Bruntiland, equitem auratum, et memoratam dominam Margaretam Weymes, de data vigesimo quinto die mensis Decembris, anno Domini millesimo sexcentesimo septuagesimo primo, præfatus comes tenetur et astringitur resignare eius terras, dominia et baronias, ac titulos honoris et dignitatis, in favorem dictæ dominæ Margaretæ et hæredum masculorum eius corpore, quibus deficientibus in favorem aliorum hæredum talliæ et provisionis inibi expressorum; reservato dicto comiti eius vitali reditu eorundem: Et nos in memoriam revocantes res præclare gestas a prædicto comite eiusque prædicessoribus, nobis nostrisque nobilissimis progenitoribus, vtque antedictus comes eiusque posteri et successores animentur et extimulentur ad calcandam eandem orbitam fidelitatis erga nostram regalem personam, diadema et dignitatem nostram et successorum

nostrorum; inque hunc finem apud nos statuentes quod tituli dignitatis, locus et præcedentia contenti in literis patentibus præscripto comiti eiusque hæredibus masculis ex suo corpore concessis, in persona dictæ dominæ Margaretæ, (deficientibus hæredibus masculis ex proprio corpore dicti comitis,) inque personis hæredum masculorum ex eius corpore, quibus deficientibus in personis hæredum talliæ et provisionis in dicto contractu matrimoniali successive expressorum iuxta ordinem inibi specificatum: Igitur nos non solum ratificamus priorem resignationem hactenus factam antedicti tituli honoris et dignitatis, ad dictum comitem spectantis, in favorem prænominatæ dominæ Margaretæ ac hæredum in eodem contractu specificatorum, verum etiam obligationem ad resignandum in prædicto contractu matrimoniali ac resignationem et infeofamentum desuper sequuturum antedicti tituli honoris et dignitatis. Præterea volumus et ordinamus quod titulus honoris et dignitatis ad dictum comitem eiusque hæredes masculos virtute antedictarum literarum patentium pertinens, cum omnimoda præcedentia et privilegio eo spectantibus, (deficientibus hæredibus masculis ex proprio corpore dicti comitis,) descendet, spectabit et pertinebit ad memoratam dominam Margaretam ac hæredes masculos ex suo corpore, quibus deficientibus ad alios hæredes talliæ et provisionis in prædicto contractu matrimoniali specificatos et contentos, iuxta ordinem successionis inibi expressum, eodem omnino modo et forma acsi idem ordo in originalibus literis patentibus honoris dicto comiti concessis insereretur. In cujus rei testimonium præsentibus magnum sigillum nostrum appendi præcepimus; apud aulam nostram de Whythall, vigesimo tertio die mensis Augusti, anno Domini millesimo sexcentesimo septuagesimo secundo, et anno regni nostri vigesimo quarto.

Per signaturam manu supremi domini nostri Regis suprascriptam.

Writtin to the Great Seall the sext day of September 1672.

WILL. KERR.

Sealed att Edinburgh, the nynt day of September 1672.

JO. CUNYNGHAME, gratis.

154. Patent of Armorial Bearings to David, second Earl of Wemyss. 17th February 1673.

To all and sundrie whom it effeers, I, Sir Charles Araskine of Cambo, knight baronet, Lyon King of Armes, considering that be the tuenti one act of the third session of the second parliament of our dread soveraigne lord, Charles the Second, be the grace of God king of Scotland, England, France, and Ireland, defender of the faith, I am impowered to visit the wholl armes of noblemen, prelats, barons, and gentlemen within this kingdome, and to distinguish them with congruent differences, and to matriculat the same in my books and registers, and to give armes to vertuous and weell deserving persones, and extracts of all armes, expressing the blazoning of the armes vnder my hand and seall of office; which register is therby ordained to be respected as the true and unrepealable rule of all armes and bearings in Scotland, to remaine with the Lyons office as a publict register of the kingdome: Therefore, conforme to the tenor of the said act of parliament, I testifie and make knowen that the coat armour appertaining and belonging to the right honorable David Earle of Weymes, Lord Elcho, and approven of and confirmed be me to him, is matriculat in my said publict register vpon the day and dait of thir presents, and is thus blazoned, viz., the right honorable David Earle of Weymes, for his atchievement and ensigne armoriall, bears two coats quarterlie, first and last topaz, ane lyon rampant rubie, second and third pearle, ane lyon rampant diamond; above the shield his croune, over the same ane helmet befitting his degree, mantled rubie doubled ermine; next is placed on ane torse for his crest, ane swan proper, supported by two swans as the other, and for his motto, in ane escroll above the crest, Je pense; which coat above blazoned I declare to be the said noble Earle his true and unrepealable coat and bearing for ever. In testimonie wherof I have subscryved this extract with my hand, and have

caused append my seall of office therto. Given at Edinburgh the seventeint day of Februarij, and of our said soveraigne lords reigne the tuentie fyft year 1673. CH. ARASKYNE, Lyon.

155. LETTERS OF COLLATION by JAMES, ARCHBISHOP OF ST. ANDREWS, in favour of MR. ALEXANDER MONRO, to the parsonage and vicarage of Methill. 1678.

WE, James be divine providence Archbishop of S^t^ Andrews, etc., within whose dioces the personage underwritten lyes, to our loving brother greeting: Forasmuch as ane noble erle, David Erle of Weyms, etc., undoubtit patron of the personage and viccarage of Methill within our dioces, hes, be his letter of presentation of the date att the day of J^m^vi^c^ and thrie score eightein yeirs, nominat and presented M^r^ Alexander Monro, minister at the Weyms, to the said personage and viccarage of Methill dureing all the days of his lyftyme, for serving the cure therof at the kirk of Eister Weyms, vacand in his lordship's hands, and at his lordship's presentatione, by the deceas of M^r^ James Nairne, lait persone thereof, and that of the cropt and yeir of God J^m^vi^c^ and thriescore eightein yeirs, and in tyme coming dureing his lyftyme; desyring therby us, seing the literature, qualification and good conversation of the said M^r^ Alexander Monro is notorlie knoun, to admitt him to the said personage and viccarage, and to authorize him with our testimoniall of admission therunto, and to give him thir our letters of collation and institution thervpon, and to take his oath for acknouledging our soveraigne lords authoritie, and for giving due obedience to us his ordinary, as the said presentation at mair lenth bears; according to the which, we, the said James, archbishop of S^t^ Andrews, being sufficiently informed of the said M^r^ Alexander Monro his literature, qualification and good conversatione,

and haveing received his oath for recognoscing our soveraigne lords authoritie, and giving dew obedience to us, his ordinary, have therefor admitted, received and conferred, and be thir our letters of collation, admitts, receives and conferrs the said Mr Alexander Monro to the forsaid personage and viccarage of Methill, and haile dueties whatsomever belonging therto, and that of the cropt and yeir of God Jmvic and thrie score eightein yeirs instant, and in tyme comeing dureing his lyftyme, after the forme and tenor of the said presentation: And therefor we require yow to pass with the said Mr Alexander Monro to the said paroch kirk of Eister Weyms upon some convenient day, and there, in presence of ane notar and famous witnesses, with all solemnities requisite, give institution to the said Mr Alexander Monro of the forsaid personage and viccarage of Methill, and haill dueties belonging therto, togither with all other cerimonies used in the kirk in the lyke caices; wherthrow the said Mr Alexander Monro may be thankfully answered, obeyed, and payed of the fruits and rents of the same, and that of the cropt and yeir of God Jmvic and thrie score eightein yeirs, and sicklyk yeirly in tyme coming dureing all the days of his lyftyme, as said is, after the forme and tenor of the said presentation and thir presentts in all points. In witnes wherof to thir presentts (written be Thomas Bell, wryter in Edinburgh), subscribit with our hand, our seall is heirto appendit att the day of Jmvic and thriescore yeirs. Scr Andrews.

156. Disposition by Margaret, Countess-Dowager of Wemyss, in favour of her daughter, Margaret, Countess of Wemyss, of Jewels, etc. 26th June 1683.

Wee, Margaret, Countes Dowager off Wemys, for the love and favor we have and bear to Lady Margaret Wemyss, Countess of Uemyss, our daughter, give and dispone to the said Countess of Wemyss my big

jwell, which hir father geu fyu hunder pund sterling for, and my picter kes, with my Lord Buccleuch's picter and myn in it; a breslit of cornelians, persed, and dymunts on the cornelians, and a jerb of many dymunts betuix, and my breslit of amathists and dymunts: And in token of the premiss, we have instantly delyvered this things to Margaret Countes of Wemyss, our daughter, in name and for the use and behoove of the said Countess of Wemyss, my dowghter. In witnes wherof (writtin be James Hendersone, our servitor[1]), thir presents are subscryvit be us, att the place of Wemys, the twenty sixt day off June, j^m^vj^c and eightie thrie yeares; before these witness, Mr. Archbald Hop off Rankeillour, advocat, Mr. David Aittoun, brother-german to Sir John Aittoun off that Ilk, and the said James Hendersone.

MARGARET LESLIE.

A. Hope, witnes.
David Aitoun, witnes.
Ja. Hendersone, witnes.

157. TESTAMENT of LADY MARGARET LESLIE, COUNTESS-DOWAGER OF WEMYSS. 28th August 1688.

The Testament Testamentar and Inventar of the goods, gear, and debts, that belonged to the deceist noble lady, Lady Margaret Lesly, Countes douager of Weymes, within the parochine of Weymes, and schirrefdome of Fyfe, the tyme of hir deceis, who deceist in the moneth of Februarii j^m^vj^c fourscoir eight years, faithfullie made and given up by ane noble lady, Margaret Countes of Weymes, her daughter, and executrix testamentrix nominat by her conforme to her latter will and testament of the date underwryten.

In the first, the said defunct had perteining to her the tyme of her

[1] The Disposition is partly written by the granter herself.

deceis foirsaid the goods and gear following of the availls and pryces afterspecifeit, to witt, money and gold lying in her cabinet, vᶜ ℔. Item, the fur[n]itur, knacks, and a few small picturs of her clositt, estimat to iijᶜxxxiij ℔ vj sh. viij d. Item, a Turkish braclett, with some small diamonds in it, estimat to jᶜ ℔. Item, a litle gold box of philagram work, and four gold sealls, estimat in haill to jˢ ℔. Item, ane sixteine pairt of the ship called the David, wherof Walter Maither was master, estimat to jᶜxxxiij ℔ vj sh. viij đ. Item, tuo litle cabinets, tuo truncks, with a few books and abuilziaments of the defuncts bodie, estimat to ijᶜxl ℔.

Summa of the Inventarie, jᵐiiijᶜvj ℔ xiij sh. iiij đ.

Debts aweand to the defunct—

In the first, by Sir John Scott of Ancrum (somtyme designed Mr. John Scott of Langshaw), for the cropt and year, jᵐvjᶜ fourscoir seveine years rent of the defunct's lyfrent lands of the baronie of Ekfoord and Lempitlaw, with the mylne of Ekfoord, and six husband lands in Lantoun, sett by the defunct to him conforme to tack therof, iiijᵐviijᶜ ℔. Item, by William Turnbull, tennent in Shirrifhall, for the rent therof, cropt jᵐvjᶜ and eightie seveine years, pertaining to the defunct in lyfrent, jᵐiiijᶜxvj ℔ xiij sh. iiij đ, conforme to his tack. Item, by Robert Betsone of Kilrie, as tacksman of the defuncts lyfrent lands and baronie of Craigincatt, for the rent therof, cropt jᵐvjᶜ eightie seveine years, iiij ℔ as the pryce of each boll of threttie thrie chalders of bear, and iij ℔ as the pryce of each boll of seveine chalders meill, being regulat according to the shiref of Fyfe his fiars conforme to the tack therof, extending in haill to ijᵐiiijᶜxlviij ℔, wherof the defunct in hir owne lyftyme received vjᶜ and lxvj ℔ xiij sh. iiij đ, so rests still jᵐvijᶜlxxxj ℔ vj sh. viij đ.

Summa of the saids debts, viijᵐxlviij ℔.

Summa of the Inventarie and debts, ixᵐiiijᶜlviij ℔ xiij sh. iiij d.

Debts awine be the defunct—

In the first, to Mr. David Scrimzior of Cartmoir, as factor to the dutches of Buccleugh, by a missive letter, j^{m}ij^{c}ℍ. Item, to M^{ris} Margaret Weymes, lawfull daughter to James Weymes of Bogie, by band, datit the sixt day of Januar j^{m}vj^{c} eightie eight years, j^{m}iij^{c}xxxiij ℍ vi sh. viij d. Item, to Susanna Hay, servant, for a years fie, j^{c}ℍ. Item, to Hugh Scott, servant, for a years fie and bountie, j^{c}lxxxℍ. Item, to Anna Duncan, servant, a years fie, xxxℍ. Item, to Alexander Alexander, servant, a years fie, xxiiij ℍ. Item, to James Buchanan, servant, a years fie and bountie, xxxℍ. Item, to George Stirling, apothicarie in Edinburgh, for droogs, per accompt, ij^{c}xℍ i sh. Item, to John Lauder, apothicarie in Kirkcaldie, for droogs, per accompt, xxxixℍ iij sh. Item, to George Auchmoutie, apothecarie ther, for droogs, per accompt, xxiiij ℍ vj sh. Item, the cess of Craigincatt, dew for Witsonday and Martimes j^{m}vj^{c} eightie seveine years, ij^{c}xliij ℍ x sh. Item, to the minister of Kinghorne for stipend that year xlixℍ xv sh. x đ. Item, to the Earle of Strathmore, of tack teynd dewtie that year xliiij ℍ viij sh. viij đ. Item, for the cess of Shirrifhall, dew at Witsonday and Martimes j^{m}vj^{c} eightie seveine j^{c}liij ℍ x sh. Item, to the minister and schoolmaster of Dalkeith, for stipend that year, lxxxxiij ℍ. Item, for the cess of Ekfoord and six husbands lands of Lantoun, dew at Witsonday and Martimes j^{m}vj^{c} eightie seveine years, iiij^{c}vij ℍ iij sh. Item, to the minister of Ekfoord for stipend, cropt j^{m}vj^{c} lxxxvij years, j^{c}xlℍ. Item, to the minister of Sproustoun of stipend that year, lxxxij ℍ x sh. Item, to the minister of Jedburgh of stipend the said year, j^{c}xxℍ.

Summa of the saids debts, iiij^{m}v^{c}xvℍ j sh. ij đ.

Summa of the frie gear, debts deducit, iiij^{m}ix^{c}xxxixℍ xij sh. ij d. Whereof no divisione.

Followes the Later Will—

Wee, Margaret, Countes douager of Weymes, in our sound health and

judgment, as becomes all serious Christians considering the uncertantie and frailtie of this lyfe, that we may be disburdened of all wordlie cares and concernes when it shall please Almightie God to call upon ws, by whose mercie and thorrow the merits of Jesus Christ we hop to be saved, doe therefore make our latter will and testament as followes; that is to say, we nominat and appoynt Margaret, Countes of Weymes, our welbeloved daughter, our sole executrix and universall legatrix, to whom we give and dispone all our goods and gear whatsomever, with power to her to medle and intromitt therwith, give up inventares, confirme the same, and doe all other things required by law; committing to our said daughter the decent and honourable interment of our bodie, besyde the bodie of our dear husband, David Earle of Weymes, in our isle att the church of the Weymes. And we doe heirby expreslie revock and declare void and null any other will or testament, and all therin contained prior heirto. In witnes wherof we have subscrivit thir presentis (wryten be James Hendersone, our servitor), att the place of the Weymes, the tuentie nynth day of June j^{m}vi^{c} and eightie four years, before these witnesses, Mr. Archbald Hop of Rankeillour, advocat, Mr. David Aytone, brother german to Sir John Aytone of that ilk, and the said James Hendersone, wreater foirsaid. Sic subscribitur, MARGARET LESLIE. A. Hope, witnes to bodie and margine. David Aitoun, witnes to bodie and margine. Ja. Hendersone, witnes to body and margine. GEO. HEWETT, fis.

Patrick and Mr. John Lindesayes, elder and younger of Wolmerstoun, commissaris of St. Andrews, having power of the confirmatioun of testamentis within the bounds of our jurisdiction, be thir presentis ratifies, approves and confirmes this present inventarie and testament before written, together with the said noble lady, Margaret Countes of Weymes, executrix therin constitut, in swa far as the samen is justlie and trewlie made and given up, and no vther wayes; lykas the

said executrix made faith upon the truth of the above writtin inventarie, and protestit to eik in communi forma etc.; and James Weymes of Glennistoun is becom caution that the haill goods, gear and debtis above specifeit shall be saiff and furthcommand to all pairtties having interest therto, as law will. And therfore, we, be thir presentis, commit full power to the said executrix to mell and intromitt with the saids goods, gear and debts above written, call and persew therfoir, if neid beis, as accords; and to outred creditors therwith, reservand just compt and reckoning to be made be the said executrix therof when and quhair shee shall be requyred therto. In wittnes quhairof to thir presentis subscribit be Mr. George Martine, clerk of the said commissariot, the seall of the said office is affixt, att St. Andrews, the tuentie eight day of August j^{m}vj^{c} four scor aught yeares. GEO. MARTINE, Cl^{s}.

158. WILL OF MARGARET, COUNTESS OF WEMYSS. 24th December 1694.

WEE, Margaret Countes of Wemyss, being desyrous to setle our worldlie affairs and make our latter will and testament, doe by these presents make, nominat, and appoynt David Lord Elcho, our only laufull sone, our only executor and sole and universall legator and intromitter, with our haill goods, gear and debts; to whom wee hereby legat, leave, assigne and dispone all and sundrie goods, gear, debts, soumes of money, jewells, gold and silver, coyned and uncoined, household plinnishing, and others whatsomever, that shall pertein and be adebted to us the tyme of our deceasse; with pouer to our said executor immediately after our deceasse to give up inventar of the goods, gear, debts, and others forsaids, obtaine the samen lawfullie confirmed, intromitt therwith, and use and dispose therupon at his pleasure, excepting allways, and

reserving furth hereof what we have already, or shall hereafter at any tyme in our lyftyme legat, give or dispone to Lady Margaret Wemyss, our daughter, or to any other persone or persones. It is allways provyded that our said executor shall be lyable and oblidged out of the first end of the said executrie, to make payment to the said Lady Margaret Wemyss, our daughter, of her portione and provisione wherunto shoe is provyded by us conforme to the band of provisione made theranent, or wherunto we shall hereafter happin to provyd her, with what other debts and soumes of money we shall happin to be justly resting, to any persone or persones the tyme of our deceasse: Declairing this to be our only latter will and testament, revocking hereby all former latter wills (iff any be) made by us. In witnes wherof (writtin by William Malcolm, wryter in Kirkcaldy,) we have subscryved these presents with our hand, att Wemyss, the twenty fourth day of December j^{m}vj^{c} nyntie four years, befor thir witness, John Hay, our servitor, and the said Wm. Malcolm, wryter hereof. MARGARET WEMYSS.

John Hay, witnes.

W. Malcolm, witnes.

159. PETITION by DAVID, THIRD EARL OF WEMYSS, to KING GEORGE THE FIRST, respecting his Patent of Vice-Admiral of Scotland. *Circa* 1715.

Au Roy, la très humble Requête du Comte de Wemyss, Vice Amiral d'Ecosse.

SIRE,—Je prens la liberté de representer à vôtre Majesté, que je fus constituée grand Amiral d'Ecosse dans l'année 1706; que j'assistai à l'assemblée du Parlement d'Ecosse en ce tems là, et y appuiai les mesures qu'on avoit formées alors pour l'union des deux royaumes.

Je fus nommé un des commissaires de la part de l'Ecosse pour le

traité de l'union, et emploiai tous mes efforts pour l'accomplissement du dit traité; par lequel la succession dans la ligne Protestante de l'illustre famille de vôtre Majesté a eu son premier établissement en Ecosse.

Après le commencement de l'Union la charge de Grand Amiral d'Ecosse fut incorporée avec celle de Grand Amiral d'Angleterre; et son Altesse Royale le Prince de Danemarc fut nommée Grand Amiral de la Grande Bretagne.

Ma charge venant ainsi à cesser par la dite Union, ceux qui etoient alors dans le ministere les mêmes personnes dont vôtre Majesté se sert à present, furent d'avis qu'il étoit juste et raisonable, que puisque je venois de perdre ma charge par le succez de l'Union et l'établissement de la succession dans la ligne Protestante, auquel j'avois travaillé si cordialement, j'y devrois perdre aussi peu qu'il seroit possible.

Sur cela j'eus une commission de Vice Amiral d'Ecosse, sous le Grand Amiral de la Grande Brétagne. Et en consideration de ce que je souffrois par le dit changement, qu'au lieu d'être Amiral en chef je n'étois plus qu'un Vice Amiral, et deputé d'un autre, on le trouva bien equitable, que, pour reparer effectivement la perte que je venois de faire, la deputation que j'avois devroit subsister pendant ma vie. Et ainsi le Comte de Pembroke, lorsqu'il étoit Grand Amiral me donna une nouvelle commission de la dite charge, pour en jouir ma vie durant.

Ayant toujours, pendant que j'etois dans le parlement, soutenu les interêts de vôtre Majesté, conjointement avec les mêmes ministres que vôtre Majesté employe à present, je me flatois d'avoir l'honneur d'être dans les bonnes graces de vôtre Majesté. Mais ces jours passez j'ai été bien surpris, lors que j'ai receu une intimation de l'Avocat et Procureur Generaux, pour comparoitre devant eux, à justifier ma Patente de Vice Amiral d'Ecosse.

Cette Patente, dont j'ai l'honneur encore de jouir, est formée selon les loix de l'Ecosse. Et puisque je ne me suis point attendu que personne l'auroit revôquee en doute à present, il m'est impossible d'en faire la defense comme il faut, à moins qu'on ne me donne le tems necessaire pour consulter mes avocats en Ecosse, mes papiers, et les Archives en ce pais la; lesquels j'espere établiront mon droit malgré toute l'opposition qu'on y pourra faire.

J'espere que vôtre Majesté trouvera, que je n'ai jamais rien fait pour m'attirer le malheur de vôtre disgrace; et je me flate qu'on ne m'obligera point, sans être preparé, à répondre aux objections qu'on a formées avec meure deliberation contre la validité de ma Patente.

Je prie donc très humblement vôtre Majesté, d'ordonner en cette affaire ce que vôtre grande prudence et justice vous inspireront. Et s'il reste encore quelque doute, j'espere que vôtre Majesté m'accordera la permission d'être ouï devant elle en son conseil, afin que vôtre Majesté, soit plus amplement et plus fidelement informée de l'etât de ma cause; laquelle je soumets avec la plus grande deference à la justice de vôtre Majesté.

160. Conference of Mr. Pitt with King George the Third. 1763.

Substance of His Majesty's Conferences with Mr. Pitt.

His Majesty having wished to calm the violence and quiet the minds of many of his misguided subjects, by taking into his service some of the principal men in the opposition (without hurting his own friends), and by the death of the Earls of Grandville and Egremont, two great offices of State having become vacant, that of President of the Council and Secretary of State, and two or more persons in high office having been willing to accept of honourable removes. In this situation of things Mr. Pitt's sentiments were sounded, who, appearing

moderate and full of respect to the king, was sent for by his Majesty, when the king opened his ideas to him to the effect already related. Mr. Pitt behaved at first with seeming moderation, but by degrees began to enlarge the number of his party who were to enter into employments, made Lord Temple's being at the head of the Treasury a *sine qua non*, proposed turning out the heads of the other two boards, the Earls of Sandwich and Shelburn, and replacing them with the Lords Rockingham and Besborough, mentioned the Duke of Newcastle for Privy Seal, Lord Hardwicke for President of the Council, himself Secretary of State for the Northern Department, and Mr. Charles Townshend for the Southern, Mr. James Grenvile and several others to come into office. He stated the peace as a thing he did not like, but on which he would avoid speaking. Thus ended the first interview.

After some consideration the king resolved to see Mr. Pitt again, and to make him such an offer as should convince the whole world of his moderation and desire to restore the peace of the kingdom. Mr. Pitt was accordingly sent for, when the king told him it was impossible to agree to the whole of his plan, but that he was ready to appoint him Secretary of State for the Northern Department, and even to allow him to recommend the other Secretary for the Southern. That he meant to put Lord Halifax at the head of the Treasury, but would appoint Mr. Legg, Chancellor of the Exchequer, and that he would make such arrangements as that Lord Hardwicke should be President of the Council, and the Duke of Newcastle Privy Seal, and that some others of their friends should be brought in gradually. That with respect to the peace, it must stand confirmed, and no measure taken that will involve the country in a new war or the payment of foreign subsidies. Upon this Mr. Pitt broke out into a declaration, that neither Lord Halifax nor any man concerned in the peace cou'd be suffered to remain in administration, that they only who had disliked and opposed it must be in office; that he even must attack

the peace when it came in his way. He then superadded several names for the Cabinet and for the great offices, hinted at Lord Albemarle for the person to recommend to the army, and, finaly, alleadged that the Duke of Newcastle would not come in unless every man belonging to him was replaced. The king kept his temper (as it may well be imagined, with some difficulty), and told him that he had wished to have him in his service as a healing measure, but that since he had asked him to do what was unworthy of an honest man, viz^{t}., to take in every enemy he had, and even some who had basely insulted him, and to sacrifice all those who had stood by him, he would now show him that his proposition did not arise from fear or apprehension, for that he would support himself, his friends, and his freedom to the last extremity. Thus His Majesty rejected with indignation the terms which Pitt had presumed to prescribe to him, and is determined (after having made this generous offer for the sake of quieting the minds of his people) to support his present Administration and his friends with all his power.

Indorsed: Mr. Pitt's Conference with His Majesty, 1763.

ABRIDGMENTS OF WEMYSS CHARTERS

NOT PRINTED AT LENGTH.

161. Charter by David of Wemys, son and heir of Sir Michael of Wemys, confirming to John of Wemys, his uncle, and his heirs, all the land called Rath, in the barony of Lochor, granting free multure in the common mill of Lochor, which is common between the granter and Adam of Valoniis, rendering therefor one pair of gilt spurs or six pennies; warranting against all men and women. Witnesses, Mr. Matthew of Crambeth, Bishop of Dunkeld, Sir Michael of Wemys, the granter's father, and Sir Michael Scot, knights, Hugh of Lochor, then sheriff of Fife, Constantine of Lochor, Robert of Melville, Walter of Ramsay, then father-in-law to the granter, etc. *Circa* 1290.[1]

162. Charter by King Robert the Bruce, confirming to David of Wemys, knight, and Marjory, his wife, and their heirs, all the lands of Glasmonth, in the tenement of Kyngorn, and shire of Fife, in free barony, with gallows, etc. Doing therefor a suit at the king's court of Kinghorn, at each plea held there in the year. Witnesses, Walter of Twinham, Chancellor; Thomas Ranulph, Earl of Moray, Lord of Annandale and Man, the king's nephew (nepote); James, Lord of Douglas; Gilbert of Hay, constable of the kingdom; Robert of Keth, marischal; and Adam More, knights. At Glasgow, 3d July, 23d year of reign [1328].

163. Charter by Duncan, Earl of Fife, confirming to Sir Michael of Wemys knight, son and heir of the late David of Wemys, and to his heirs, for their service, all the Earl's lands of Little Monechy, which is called Monechy Easter, free from suit of court. Witnesses, Sir David of Berclay, Michael Scot, William of Freslay, William of Cambow, knights, John Monypenny, Thomas Bel, citizen of St. Andrews, Alan of Claphan, and many others. [1328-1332.]

[1] Nos. 161-166 inclusive of this abstract are translations of abstracts of charters made in Latin from the originals formerly in the Wemyss Charter-chest, but not now to be found. The abstracts are preserved in the Advocates' Library, Edinburgh, in a bound volume, marked 34, 6, 24. The writer of the volume appears to have had access to the original charters at Wemyss.

164. Charter by Duncan, Earl of Fife, confirming to Sir Michael of Wemys, knight, son and heir of the deceased David of Wemys, and his heirs, for his homage and service, all the lands of Dron Wester. Doing forinsec service to the king, and three suits of court annually at the Earl's three head courts of Fife. Witnesses, James, Bishop of St. Andrews; John, Prior of St. Andrews; Sir David of Berclay, Michael Scot, William de Freslay, William of Cambow, knight, John Monipenny, Thomas Bel, citizen of St. Andrews, John of Forreth, Alan of Claphan, etc. [1328-1332.]

165. Charter by John of Boswell of Balmuto, confirming to his kinsman, John of Wemys, for his good counsel, all his lands of Myrcarny, of the Rathe, of Glenyston, of Polgulde, of Nether Cambron, and of Methkill, with the pertinents, in the shire of Fife; which lands Sir David Wemys resigned in his hands. To be held of the granter, and saving to him the service lawfully due and wont. Witnesses, Sir Robert Stewart, Earl of Fife and Menteth, Sir Patrick Graham, and Robert of Danyelston, knights, John of Levingston, Lord of Calendar, Thomas Sybaulde, and others. *Ante* 13th June 1386.

166. Charter by John of Wemyss, Lord of Reres, knight, to the chapel of St. Mary of Reres, of an annuity of 6 merks out of the lands of Logymurthe, 6 merks from Pursk, in the barony of Leuchars; also 13 acres of land, viz., 1 acre near the said chapel on the south, towards the east, 8 acres on the south of Easter Reres, 4 acres on the east side of Fawfield: also that long Strouthir lying between Balcarhous and Easter Reras and Wester Reras, as far as the march of Newtoun, and pasture for 8 cows in Fawfield, and pasture in the common moor of Shyre for as many cows, oxen, sheep, calves, horses, stirks, geese, hens, capons, and other animals, as they please, reserving the right of patronage of the said chapel. This grant is for the soul of King Robert the Third, and of his Queen Annabella, and of the deceased Sir David of Wemyss, knight, Lord of Reres, and of Isabella, the granter's wife, etc., and is dated at his castle of Reres 1st September 1404.

167. Notarial Instrument of Sasine certifying that, in presence of Robert Broky, notary public, and witnesses, personally compeared Alexander Malvyne, Thomas Boy, Henry Boy, Thomas Boy, younger, and David Galychtli, and asserted upon oath that they were present as witnesses when Sir John of Vemis, lord of Reres, delivered to Isabella, his spouse, sasine of the lands of Wester Rath,

Glennistoun, and Polgulde, with the pertinents, in the chief messuage of the same, lying within the sheriffdom of Fife; and that the said Isabella, in presence of the notary and witnesses, immediately thereafter gave heritable sasine of the said lands to David of Vemis, her son, and his heirs. Upon which Dame Cristian of Douglas, spouse of the said late David of Vemis, craved instruments. Done in the town of Diserte, 14th September 1430.

168. Obligation by Patrick Gray, son and heir of Andrew lord the Gray, whereby he binds himself to warrant to his well-beloved cousin John of Wemys of Mythtkill, and his heirs, the £10 worth of land in the Wester town of Inchemartyn, in the barony of Forgunde, and sheriffdom of Perth, of which he had given the said John a charter; and if, through the said Patrick's decease, the said John of Wemys, or his heirs, or assignees, should be troubled in their possession thereof, the former bound himself and his heirs to pay to the latter and his heirs £10 Scots yearly so long as the said lands should not be peaceably possessed, under a penalty of 500 merks Scots: the obligation to cease as soon as the said Patrick or his heirs should make the said John or his heirs "sekkyr" by charter or confirmation of the said Wester town of Inchemartyne, or of other lands in Fife, as his charter purported. Sealed with the granter's seal, and dated at the manor place of the Wemys Easter, 17th May 1450.

169. Precept of Sasine by David of Ogilvy, eldest son and apparent heir of Sir Andrew of Ogilvy of Ynchemartyne, knight, and lord of certain lands of Wemyschyre, Elchok, and Drone, for infefting John of Wemys of that ilk, in the ninth part of the whole lordship of Wemysschire, and the sixth part of the barony of Elchok, and three quarters of the town of Drone, in excambion for the lands of the lordship of Ynchemartyn. Dated at Perth, 29th June 1456.

170. Charter by David of Ogilvy, eldest son and apparent heir of Sir Andrew of Ogilvy of Inchemartyn, knight, and lord of certain lands of Wemysschire, of Drone, and of Elchok, by which, with consent and counsel of Sir Andrew, his father, he grants and confirms to Sir John of Wemys of that ilk, knight, his lands of Wemysschyr, namely, the ninth part of the lordship of the same, with the chief messuage and pertinents thereof; his lands of Drone, viz., three quarters of the town of Drone, lying in the earldom of Fife and sheriffdom thereof; his lands of Elchok, namely, the sixth part of the whole barony of Elchok, with the

principal and chief messuage thereof, lying in the barony of Elchok, and sheriffdom of Perth, in pure excambion for the said Sir John's lands of the barony of Inchemartyn, in the sheriffdom of Perth; to be held by the foresaid Sir John of Wemys, knight, and his heirs, from the granter and his heirs, as in excambion, of the king, in fee and heritage for ever; for rendering to the king the service due and wont, and paying annually for the lands of Drone to David Boiswill of Cragincat, and his heirs, 26s 8d Scots, of annual rent at Whitsunday and Martinmas: Further, if the said Sir John and his heirs or assignees should be ejected by the granter and his heirs from the peaceable possession of the foresaid lands by process of law, without fraud and gnile, the said David wills for him and his heirs, that Sir John or his heirs should have full regress to the peaceable possession of the said lands of Inchemartyn, without licence or judicial process, etc. The charter contains a clause of warrandice, and is sealed with the granter's seal (now wanting), and the seal of Sir Andrew, his father, in token of his consent, in presence of Andrew lord le Gray of Fowlys, Sir Patrick Gray, his son and apparent heir, Walter Ogilvy of Owres, Sir James Stewart, knight, Sir William Charteris of Cagnor, also knight, Archibald Stewart, John Quhitsume, provost of the burgh of Perth, Robert Tod, rector of Longcardy, and others. Perth, 15th May 1461.

171. Charter by James [Kennedy], Bishop of St. Andrews, with consent of the chapter, prior and convent of the cathedral church of St. Andrews, to his orators, the sub-prior and convent of the monastery of St. Mary of Lundoris, in the diocese of St. Andrews, of the half of the lands of Methill, excepting the lands of Purny and Soytourland, in the regality of St. Andrews and sheriffdom of Fife, which belonged heritably to John Wemys of that ilk, knight, and had been resigned by him into the Bishop's hands as superior of the monastery aforesaid of St. Mary of Lundoris: to be held by the sub-prior and convent and their successors, for performing a mass daily in the church, other than the ordinary masses said at the time of making hereof, for the weal of the Bishop's soul and the soul of his mother; and paying to the said James [Kennedy] and his successors, bishops of St. Andrews, as lords superiors, the kain and services due and wont. Sealed with the seal of the Bishop and the common seal of the chapter, at St. Andrews, 6th May 1465. Witnesses, George of Abyrnethy, provost of the collegiate church of Dumbarton, Alexander Kennedy of Vrwell, Sir John Thomson, rector of Inueraride, the Bishop's chamberlain, and others. Seals remaining.

172. Instrument of Sasine in favour of Sir John Foulis, sub-prior of the monastery of St. Andrews, in name of the convent thereof, in virtue of a precept by Alexander Kennedy, sheriff of Fife, directed to Robert Broune, mair, with procuratory by his co-friars, together with a charter by James, Bishop of St. Audrews, containing a precept of sasine, of half of the lordship of Methill, which the said Sir John Foulis delivered to the notary to read and explain to the bystanders; and the said Robert Broune thereafter gave heritable sasine of the half lands of the lordship of Methill to the said sub-prior and convent. Done at the chief place of the lordship of Methill, before the door of the manor-place thereof. 24th May 1465.

173. Letters of Attorney by King James the Third, appointing Robert of Levingstoun of Drumry, knight, Thomas of Levingstoun, Robert of Levingstoun, John Liddale and Nicholas Malevyne, to be attorneys for John Wemys, son and apparent heir of John Wemys of that ilk, for all business, causes, etc. To endure for one year. Edinburgh, 17th January A.R. 8 [1467-8].

174. Instrument of Sasine in favour of John Wemis, son and apparent heir of Sir John Wemis of that ilk, knight, of the lands of Litil Lone, Cammeroun Mylne and le Halch, in the shire of Fife, which pertained formerly to Sir John Wemis, his father, according to the tenor of a charter under the Great Seal to the said John Wemis. The sasine proceeds on a precept from Chancery under the Quarter Seal, directed to Andrew Wemis, sheriff of Fife in that part, deputed by the king's letters patent, at the instance of the said John Wemis, younger. Done on the ground of the said lands, 3d August 1468. In testimony of sasine the sheriff's seal is appended [still remaining].

175. Instrument of Sasine in favour of John Wemys, son and apparent heir of John Wemys of that ilk, knight, of the half of the lands of Elchcok, which formerly belonged heritably to the said Sir John, elder. The sasine is given, in virtue of a precept from Chancery under the Quarter Seal, by Henry Malevil, sheriff of Perth in that part, specially deputed by the king's letters patent at the instance of the said John Wemys, younger. Done on the grounds of the principal messuage of the lands of Elchok, 5th August 1468. The seal of the said Henry Malevil was appended, in token of execution of his office; now wanting.

176. Instrument on the Sasine given by Henry Mailueil, sheriff of Forfar in that part, specially deputed by King James the Third, by his letters-patent, at the instance of John Wemes, son and apparent heir of Sir John Wemes of that ilk, knight, of the lands of Balhawile, in the sheriffdom of Forfar, which formerly belonged heritably to Sir John Wemes of that ilk, elder, in favour of the said John Wemes, younger, in terms of the king's charter granted to the said John Wemes, younger, thereof. Done on the ground of the said lands, 12th August 1468. The seal of Henry Mailueil is appended, in witness of the sasine, and is still remaining.

177. Instrument on the Sasine given by Henry Mailuele, sheriff of Fife in that part, specially deputed by the king by his letters patent, at the instance of John Wemes, son and apparent heir of Sir John Wemes of that ilk, knight, and proceeding on a precept from Chancery under the Quarter Seal, for infefting the said John Wemes, younger, in the lands of Tulibrek, in the sheriffdom of Fife, which had belonged heritably to the said Sir John, his father, in favour of the said John Wemes, younger, in terms of the king's charter granted to him thereof. Done on the ground of the said lands, 22d August 1468. The sheriff's seal is appended in witness of the premises. Witnesses, Michael of Levingstoune, vicar of Wemes, and others.

178. Obligation by Mr. John Listoune, provost of the college of St. Salvator, in the city of St. Andrews, Henry Weir, and Hugh Spens, canons of the said college, to Sir John of Wemis of that ilk, knight, whereby, on the narrative that the latter had paid 350 merks to them on behalf of the sub-prior and convent of St. Andrews, for redemption of half of the lands of Mythtyll, in terms of the letters of reversion made to him by the sub-prior and convent, they became bound that he and his heirs should peaceably enjoy the same unhurt and untroubled by the granters or the sub-prior and their successors; and that if the said Sir John, his heirs or assignees, should be molested or troubled by the granters, the sub-prior and convent or their successors, in possessing the said lands after the resignation thereof to be made in the overlord's hands, the granters should pay the sum of 700 merks, one-third to the king in name of penalty, one-third to the "kirk wark" of Wemys, and one-third to the laird of Wemys for cost, skaith, etc., within one hundred days after any disturbance was made. Dated at the said college of St. Salvador, 1st May 1484. Common seal attached.

179. Notarial Instrument narrating that John Wemys of Strathardill, son and heir of John Wemys of that ilk, knight, in presence of a notary and witnesses, passed to the presence of William Levingstoun of Drumrye, baron of the east part of the barony of Lowchoir, and lord superior of the lands of Rath, Powguld, and Glennestoune, which had been recognosced in the hands of the said William, for services thence due to him and not paid, and craved that the same should be demitted to him in pledge as the last and true possessor thereof, asserting that he was ready to do for the said lands what the order of law ordained: The said William, lord superior, being well and ripely advised, demitted the said lands to pledge to the said John Wemys of Strathardill, without prejudice to the frank-tenement of a noble woman, Margaret Wemys, spouse of the said John Wemys, knight, and mother of the said John Wemys of Strathardill, reserved to her before the recognition. On hearing of which, John Robertsoune, burgess of Disert, procurator of the said lady, solemnly protested that the said relaxation or demission to pledge of the said lands, should not be to the prejudice of her frank-tenement thereof for all the days of her life. Done in the parish church of Wemys, in presence of Robert Levingstoune, son and apparent heir of the said William, Thomas Peblis, Alexander Conyngame, chaplains, and others. 5th November 1487.

180. Charter by King James the Fourth, under the Great Seal, confirming a charter of gift made by Margaret Ogiluy, daughter, and one of the heirs of the deceased Cristina Glen, with consent of Silvester Rettray of that ilk, knight, her spouse, by which she gives and alienates from her and her heirs for ever to her well beloved son, Thomas Rettray, and Marjory Johnnesoune, his spouse, her lands of Ardargy, Auchlesky, and Elchok, in the sheriffdom of Perth; also her lands of Petconnoquhy, in the sheriffdom of Fife, for filial and carnal affection, and for his faithful service, help and counsel given to her in many ways: To be held to the said Thomas and Marjory, his spouse, the survivor of them, and the heirs lawfully procreated, or to be procreated between them, whom failing, to the true lawful nearest heirs-male of the said Thomas whomsoever, from the granter and her heirs, of the king, in fee and heritage for ever, for rendering yearly to the king the services due and wont, under reservation to the said Margaret of her frank-tenement of the said lands for her lifetime. The charter, which contained a clause of warrandice embracing all her lands and possessions, and

under hypothec, of all her goods, moveable and immoveable, was sealed with her own seal, and, for greater testimony, with the seal of Silvester, her spouse, at Perth, 2d April 1492; witnesses, Andrew Charteris of Cuthilgurdy, Robert Mersare of Balleif, John Rettray of Mordoune, and Patrick Wellis, burgess of the burgh of Perth: Which charter the king confirms in all points, reserving to himself and his successors the rights and services due and wont from the lands before the confirmation. Witnesses, George, Bishop of Dunkeld, and others. At Dundee, 20th September 1492, and 5th year of the king's reign.

181. Brieve from the Chancery of King James the Fourth, directed to the sheriff and his bailies of Fife, for the Retour of John Wemys of Strathardill, knight, as heir of Margaret Levingstoun, his mother, of lands within their bailiary. Edinburgh, 11th May, 7th year of the king's reign [1495].

182. Contract between Sir William Scot of Baluery, knight, on the one part, and Robert Cunynghame of Polmais, on the other part, whereby it is agreed that the said Robert shall grant a procuratory for resigning in the king's hands the sixth part of the lands of Wemys in the sheriffdom of Fife, and the sixth part of the lands of Elchok and Balabraham, with the mill of Elchok, in the shire of Perth, in favour of the said Sir William or of David Wemys of that ilk, or shall give them infeftment therein by way of selling, to be held of the king in heritage; and that the said William shall therefor pay the sum of 600 merks; 364 merks to be paid to Andrew, bishop of Caithness, in name of the said Robert Cunynghame and of Robert Colnill of Vchiltre, 100 merks at the feast of Pasche next, and at Whitsunday next thereafter 136 merks Scots in complete payment of the said sum; and for security of these sums, the foresaid Sir William Scot shall obtain an acquittance from the said reverend father to Robert Colnill; and for security of the Pasche term, shall cause Alexander Setoun of Tulibody, knight, to infeft the said Robert Cunynghame or James Cunynghame, his son, and Agnes Bruse, his wife, in five pounds' worth of his lands of Tulch or Tulibody, under reversion containing the sum of 100 merks; and for security of the 136 merks of the Whitsunday term to be paid six days before Whitsunday, the said Sir William Scot or David Wemys, whoever of them took sasine of the said sixth part of Wemys, Elchok, and Balabraham, shall infeft the said Robert Cunynghame in the same lands, to be held of them in blanchferm under reversion for the said 136 merks, which being paid six days before Whit-

sunday, the lands to be free, and "the evidentis to be maid heirupoun within thre dais nixt to cum." Both parties seal and subscribe the contract interchangeably; and are obliged and sworn to observe the same. Witnesses, Alexander Setoun of Tulibody, knight, Robert Bruse, burgess of Striueling, Andrew Cunynghame of Drumquhassill, and John Bannatyne. Sir William Scot is to get the Bishop's acquittance for the 364 merks within twenty-four hours after the date hereof. Edinburgh, the 20th of February 1512. Signed "Robert Cwnyngham of Polmase." "I, William Scot of Baluery, knycht, grantis that Robert Cunyngam, of my desir and command, hes infeft Dauid Wemis of that ilk, knycht, in the landis abone writin of Wemis, Elchocht, and Balhabraham. Subscriuit wytht my hand the xxv day of Februar, the yer abone writin, William Scot off Baluery, knycht, manu propria."

183. Charter of Vendition by Robert Cunynghame of Polmais, by which he alienates to David Wemis of that ilk, knight, his sixth part of the lands of Wemis in the sheriffdom of Fife; also his sixth part of the lands of Elchiocht, and Balhabrahame, with the mill of Elchiocht, in the sheriffdom of Perth, for a certain sum of money paid to him beforehand by the said David, of which sum he quitclaims the said David, his heirs and assignees: To be held to him, his heirs and assignees, from the granter, his heirs and assignees, of the king and his successors, in fee and heritage for ever; for rendering to the king and his successors the services due and wont only. Contains a clause of warrandice, and is sealed with the seal of the granter at Edinburgh, 25th February 1512. Witnesses, William Scot of Balvere, knight, John Multrare, David Wemis, James Johnstoune, notary public, and others.

184. Precept of Sasine by Robert Cunynghame of Polmais, for infefting David Wemyss of that ilk, knight, in his sixth part of the lands of Wemis, in the shire of Fife, his sixth part of the lands of Elchiocht, and Balhabrahame, with the mill of Elchioch, in the shire of Perth, in terms of the charter granted by the said Robert to the said David thereof. [No. 183 *supra*.] Sealed and dated at Edinburgh, 25th February 1512. Witnesses, William Scot of Balucre, knight, and others.

185. Instrument of Sasine in favour of David Wemis, son of David Wemis of that Ilk, knight, narrating that on 3d June 1514 David Wemis proceeded to the sixth part of the lands of Wester Wemis, in the sheriffdom of Fife, and produced to be read a precept of sasine from the Chancery of King James the Fifth, bearing

that it had been found that the late David Wemis of that Ilk, knight, the father of David, bearer of the said precept, died last infeft in the lands and barony of Wester Wemis, called Wemisschire, with the two part of the coal and salt thereof, the lands of Littillwn, Tulebrek, Camerone Mylne, Hauch, Donefaice, Petconnaquhye, Wester Drone and Hildrone, etc., and in a sixth part of the lands of Wester Wemis, lying outside the said barony within the sheriffdom of Fife; that the said David his son was his nearest and lawful heir, and that he was of lawful age; and commanding his Majesty's sheriff and bailies to give him state and sasine of the said lands, taking security for five merks of the maills of the said sixth part of Wester Wemis for Martinmas last, and ten merks of relief thereof, due to the king. At Edinburgh, 31st May, first year of the king's reign. On the precept being read, Henry Sibbald, mair or depute of Patrick Lord Lindesay of Biris, sheriff of Fife, passed to the ground of the said sixth part of the lands of Wester Wemis, and gave state and possession thereof to the said David by the delivery of earth and stone. Dated on said 3d June 1514.

186. Obligation by Andrew Rettra of the Waster Hall, to William Scot of Baluery, knight, binding himself and his heirs to infeft the said William or his heirs in his lands of the "auchten" (18th) part of the Wemys, lying within the sheriffdom of Fife, when required by him or them, on forty days' warning, for "certane thankis and gnid deidis done" to the granter by the said William, he or his heirs paying therefor also the sum of £34 Scots, or giving land or annualrent within the shire of Perth worth 34s., to be held in "wede" [pledge] for the said £34. Dated at Perth, 14th July 1522. Witnesses, Thomas Scot, son of the said William, and others. An addition by Andrew Rettra, bears: "Item, gyf sa beis ye caws hall the promessis at his maid betwex me and the Lady of Monkreif to be fowfillit of the said ladyis height lik his the instrament baris, I am content.—Andro Rattra of the Wasthall."

187. Executorial Letters by Hugh Spens, professor of sacred literature, and provost of the collegiate church of St. Salvator, in the city of St. Andrews, judge delegate of the apostolic see, in the cause underwritten, along with Sir James Kincragye, dean of Aberdeen and provost of the collegiate church of our Lady of the Heugh, near the city of St. Andrews, his colleague in that part, lawfully excusing himself, and committing his power as often as he happened to be absent, to the said Hugh, specially constituted by the apostolic see, John Lewingtoun, William

Guthine, and John Annand, bachelors and licenciates of sacred letters, canons of the metropolitan church of St. Andrews, judges sub-delegate specially constituted for Mr. James Symson, rector of Kirkforthir, and official principal of St. Andrews, judge co-delegate to the said Hugh and James Kineragye, specially deputed by the apostolic see, directed to the curates of the parish churches of Wemis; stating that lately in a litigation and cause between David Wemis of that ilk, Sir Patrick Jaksoun, and Sir David Moultray, vicar of Carnbye, chaplains, John Jaksoun and Robert Vemis, and others, fishers of Eister Vemis, John Richartsoun, Alexander Thomsoun, John Robertsoun, and William Thomsoun, fishers of Bukhawyne, parishioners of the parish church of Vemis, in the diocese of St. Andrews, against Sir John Dingwell, provost of the collegiate church of the Holy Trinity, near Edinburgh, and vicar of the parish church of Vemis, appellants in a certain cause of summary petition sometime moved and depending before the said judges by the said David Vemis of that ilk and his co-litigants against the foresaid Sir John, provost, on the pretext of an extrajudicial appeal interposed by the said Sir John to the Court of Rome against the foresaid David Vemis and his colleagues and co-litigants, and committed by the apostolic see to the said judges, in virtue of a brieve and apostolic supplication directed to the said judges, to cognosce upon all and sundry matters contained in the said extrajudicial appeal: The judges in the said cause, in punishment of the contumacy of the said Sir John Dingwell, pronounced their sentence diffinitive in favour of the said David Vemis of that ilk and his co-litigants, finding that Sir John had wickedly and unjustly interjected his extrajudicial appeal to the Roman Court, absolving the said David Wemis and his colleagues simpliciter from all that was contained in the appeal, and condemning Sir John Dingwell in the costs of plea of the foresaid sentence. Commanding the vicar, therefore, in virtue of the obedience by which he was bound to his most holy lord the pope, and on pain of excommunication, to warn the foresaid Sir John Dingwell, appellant, within two months after summoning, to satisfy and pay half of the sum of £99, 8s. 8d. Scots, and the other half of the said sum within other two months, as expenses in this cause, modified by the judges, to the foresaid David and his co-litigants, under pain of excommunication, which, in case of non-obedience, is hereby passed against Sir John, and the curates directed to denounce the same, solemnly and publicly, in their churches on all Lord's days, festival and feriat days, not ceasing from the said denunciation till they received command from the judges. St. Andrews, 19th October 1527. The

monition was served on 27th October by Andrew Archbald, chaplain of St. Andrews diocese, who on that date warned Sir John Dingwell, in terms thereof, in the church of Wemis, before the parishioners, in time of high mass. And on the 5th August, Andrew Kirkcaldy, chaplain, pronounced the said Sir John to be excommunicated, before these witnesses, Mr. Thomas Wemis, John Jaksoune, Nycolas Russaill, and others.

188. Decree-Arbitral pronounced by Henry, Bishop of Galloway and of the King's Chapel Royal, Alexander, abbot of Cambuskennyth, Mr. Thomas Couts, official of Lowdyane, Mr. William Gibson, dean of Lestalrig, and Mr. Adam Otterburn of Aldhame, advocate to the king, as judges-arbitrators in the controversy between Sir John Dingwall, prothonotar and provost of the Trinity College, beside Edinburgh, for himself, his prebendaries and their successors, on the one part, David Wemys of that ilk, for himself, his heirs and tenants, and Sir Patrick Jackson, chaplain of our Lady Chapel of West Wemys, Sir David Moutray, vicar of Carnbee, and all others appealed by the said provost, on the other part, anent the parsonage and vicarage of Wemys and fruits thereof. The arbitrators being chosen equally by both parties, took the cognition and decision of the plea on them, and being ripely advised, and having asked and followed the counsel of wise men of law, all in one voice decree and ordain that the said parties shall stand in amity and kindness in all time to come without dissimulation, "and presentlie ordaines them to shake hands and forgive ilk ane the rancor of ther hearts till other, and to pass in oxtars togither, whilk they did in our presence," and ordained that within the time of compromit the provost and his factors should peaceably lead the teind sheaves of Wester Wemyss in the present year 1528, of which the said provost is thankfully answered, and lead the same to his kirkland of Wemyss, and ordain that he and his successors shall be thankfully answered by the said David Wemyss of that ilk, his heirs and tenants, of the teind sheaves of Wester Wemyss without impediment, to be led, "stakit," and disponed, or set, at the provost's and his successors' pleasure, "conform to the comon law and libertie of haly kirk." And because the said provost had obtained decreet before the Lords of Council against the said David for a great sum of money for the spoliation of the teind sheaves of the lands of West Wemyss for the crop 1526, of which decreet the said David complained that it was exorbitant, and quadruple more than the just avail; therefore, to know the just avail, the judges ordain the said David to

put one or two servants to see the leading, gathering, and stacking of the teinds of the crop 1528, which was done, the avail known, and the judges ordain him to pay to the provost as many bolls for 1526 as the teind of 1528 amounted to; and ordain the provost and his successors "viccars of the said kirk of Wemyss," to be "thankfullie answered with all libertie" of every tenth load of all manner of coals that were won for the time in any "coall-hewes" within the Laird's bounds, to be received at the pick point so long as horse might pass thereto, and led to the kirk-lands, or sold, etc. And if the coals were won "be potts and drawen up be windoses, kreills, or other wayes," the teind coals to be delivered at the hill head; pancoal being useless for any other occupation but winning of the salt, and that the vicar ought to have his weekly teind salt; and understanding that the Laird of Wemyss and his predecessors were never in use of payment of the teind pancoal, therefore the judges ordain the provost and his successors to desist from all pursuit of any teind of pancoal, except in case of fraud; also reserving the claim and right of the provost and his successors to teind salt won through pancoals carried out of the parish to any other place, against all persons that ought to pay the same; also that the provost and his successors should enjoy the teind fish, and teind herring that should happen to "arryse and be losit" within the Laird's bounds, to be delivered at the seaside upon the dry land; also to be paid half a boll of salt of each salt pan weekly, on Saturday, with all other teinds; the provost, his "fermorers," tenants and indwellers of the glebe of the kirkland of Wemyss should enjoy freedom for their "bestiall" within the Laird's bounds as in time bypast. In regard to the crops 1526, 1527, 1528, the judges could not find that the said David was culpable in commanding or "ratihabition" of the "spulzie" of the said teinds, and assoilzie him; but "rypand furth the maner of the saids teynds more profoundlie," they find that the country folks, indwellers on the said David's lands, and others nearby had spulzied and taken away a part of the said teinds, and another part remained in their hands, and therefore reserved action to the provost against the "spoilziers," and the judges agree to pass to the chapel of Wemyss, or the kirk thereof, and call the said persons before them, to find the avail, and the said David to cause payment and restitution to be made of the same, etc. With regard to the offerings of the chapel of Wemyss pertaining to the said provost by reason of the parish church of Wemyss, because Sir Patrick Jackson, chaplain thereof, was "biggand," and purposed to "big," and continue, the judges counselled the provost, of his courtesy and pleasure, to supercede the said offerings for Sir

Patrick's good deeds and thankfulness to be shown to the provost in time coming. Finally that all pleas moved in Rome or these parts between the parties cease and be extinct for evermore; condemning both parties in expenses, to be taxed by the judges; also ordaining the provost, his successors, vicars, and parsons of the kirk of Wemyss to give teinding of corns, coals, fish, and salt to the said Laird, his heirs, tenants, in due time, conform to the common law, so that the stock of cornes should not perish, or be "tint in fault of teynding." Ordain the decreet to be inserted in the Books of Council: and to be observed under a penalty of £200 Scots to the king, £200 to the metropolitan kirk of St. Andrews, and £200 to the party hurt, with costs, etc., the Lords of Council, or official of Lothian, being judges. Decreet given forth before both parties at Edinburgh 6th February 1528, witnesses, Mr. Andro Arnot, parson of Touch, Mr. John Letham, subdean of the Trinity College of Edinburgh, Sir George Kello, prebendar of the Kirk of Field, and others.

189. Notarial Instrument, narrating that in presence of Andrew Kirkcaldy, notary public, and witnesses, David Abircrummy, feefarmer of the lands of Cameroun, in the shire of Fife, passed to the personal presence of David Wemys of that ilk, at the chapel of Wemys, and there craved the said David to grant to him, as his kinsman and neighbour, out of the said David's mere good-will, licence and tolerance to pasture his cattle and goods sometimes on the moor lying towards the west from his lands of Cameroun, commonly called Wemys Moor, near the lands of Cameroun, and to cast, win, and lead away fuel and divots in the same, which the said David Wemys, moved by neighbourly love and friendship, gave and granted, during the good pleasure of himself and his heirs only under protest that neither the said David Abircrummy nor any of his successors, heirs of the lands of Cameroun, nor lords superiors thereof, should pretend any right or title in property or commonty to such pasturage, etc., in virtue of such use and occupation, but might be lawfully removed therefrom whenever it should please the said David Wemys or his heirs, which protest the said David Abircrummy admitted; and thereafter the said David Wemys asked him whether he then had or could pretend any right or title to such pasturage, etc., who acknowledged that neither he nor any other possessors of the lands of Cameroun, or their predecessors, had or could pretend any right or title to any commonty or privilege of pasture, or casting fuel within the said moor, except only during the good-will

of the said David Wemys and his predecessors, and renounced all other right, and bound himself, his heirs and assignees, never to pretend any other right to the same. Done at the chapel of the Wemys, 18th June 1529, in presence of Michael Abirnethy, James Wemys, and Patrick Gibbon, *alias* Fortay, and others.

190. Charter by Eufamia, prioress of Elcho, and convent thereof, whereby on the preamble that the lately deceased Elizabeth Suyntoun, sometime prioress of the monastery, after she was deprived for ever of the administration of her office for her excesses, and had renounced what right she had to it in the hands of the sovereign pontiff, and the said Eufame was lawfully provided thereto by apostolical authority, the said Elizabeth, on the suggestion of friends for three years and more excited various pleas against the said monastery, molesting it by uplifting the fruits and possessions thereof *vi et armis*, whence, in sustentation of the said monastery and protection thereof, the cups and other precious things of the monastery had to be sold, debts contracted, and amid the urgency of creditors and their extreme necessity, the single friend that occurred to them was Robert Lesly of Innerpeffry, advocate of the king's parliament, who by his advocacy, patronage, and counsel not only defended them against these molestations, but redeemed the cups and other precious things that were in pledge, paid the debts, and for two years for the greater part supplied the monastery in aliments and other necessaries, expeded the prioress's bulls of provision in the Roman Court at his own charges, and at length restored her and the convent to religious tranquillity, expending the sum of £290, 5s. 4d. Scots of his own moneys, as in the account thereof by the prioress and convent chapterly assembled on 1st November last, diligently examined, was found to be true, as more fully contained in the notary's instrument made thereupon; and for payment of this sum, and a compensation to the said Robert for his other benefits conferred on them, after much consultation and deliberation it is found that there are no other goods pertaining to the monastery from which such payment and compensation can be made, unless the underwritten grant in feu-farm be made, and that such grant and assignation is more expedient and less adverse to the said monastery than that of any thing else: Therefore, in compensation of the foresaid benefits, and payment and discharge of the sum of 100 merks remitted by the said Robert from the whole sum due to him, and for augmentation of rental to the sum of ten merks, having first obtained the authority and licence of James, archbishop

of St. Andrews, ordinary of the place, as is more fully contained in his letters made thereupon, the prioress and convent grant, and in feu-farm let, to the said Robert and his heirs underwritten, their lands of Kynnard, in the lordship of the said monastery, and shire of Fife, extending in their rental annually to the sum of 40 merks; to be held by him and his heirs-male, whom failing, by the eldest of his heirs-female without division, of the granters and their successors in feu-farm and heritage, for payment of 50 merks Scots yearly, and the above exoneration of the 100 merks, with a duplicand at the entry of each heir, for grassums and other services, duties, and poultry formerly exacted from the said lands: Willing, nevertheless, that for the present grant, the authority and confirmation of the sovereign pontiff, within two or at least three years, should be obtained; and that the said Robert and his heirs should observe the tacks granted to the tenants. Contains clause of warrandice and precept of sasine. Further, for payment of the rest of the said whole sum due to the said Robert of £226, 7s., they give, allocate, and assign to him and his heirs the abovewritten feu-farm of the lands of Kynnard, and the ferms of their lands of [B]ynningis, in the shire of Linlithgow, extending annually to 21 merks, to be uplifted till the complete payment of the said sum. Sealed with the chapter seal at the foresaid monastery 26th February, according to Scottish computation 1529. [Copy.]

191. Charter under the Great Seal by King James the Fifth, granting to his well-beloved David Wemys of that ilk, heritably, the lands of Wemys schire, Litill Lun, Tulibrek, Camroun Myln, le Halch, Donyface, Petconnothy, Wester Tarbet, Wester Drone and Hildrone, in the sheriffdom of Fife; the lands of Elchok and Ballabralme, third part of the lands of Strathardill, half of the lands of Ardargy, lands of Kynnard, in the sheriffdom of Perth; the lands of Balhalwell, with their pertinents, in the sheriffdom of Forfar, with dependencies, advocation, and donation of churches and chapels, all united and incorporated by the king's late father into one whole and free barony, called the Barony of Wemys, with privilege of forming a harbour and erecting the town of Wemys, Kirkhill of Kirkmichael, Ballinkille and Ballynnald free burghs in barony, with a market-cross and a weekly market, etc., in the same manner as the king's late father granted them to the late David Wemys of that ilk, father of the said David and his heirs, and according to the tenor of the charter granted thereof: Which lands and barony previously belonged to the said David heritably, and were resigned by

him in the king's hands at Stirling: To be held to the said David Wemys and the lawful heirs-male of his body, whom failing, his nearest heirs-male whomsoever, whom failing, his nearest heirs whomsoever, of the king and his successors, kings of Scotland, in fee and heritage, free barony, and free burgh, for performing the rights and services due and wont. Dated at Stirling, 24th June 1530.

192. Memorandum of contract of marriage between David Wemys of that ilk and Mr. Adam Otterburn of Aldhame, provost of Edinburgh, whereby, for the love, amity, and kindness kept between the parties in times past, and to be kept and augmented in time coming, it is agreed that the said David's son and apparent heir shall marry Mr. Adam's eldest daughter, and Sir David shall give for their living such honest conjunct infeftment as was given to his father or grandfather, and the said Adam agrees to obtain a new infeftment to the said David, Laird of Wemys, and his heirs-male, on his expenses. *Circa* 1534.

193. Procuratory of Resignation by David Wemys of that ilk, appointing James Broun and Michael Tulloch of Hilkerny to resign in the hands of King James the Fifth, as lord superior, his lands of Tulibrek, in the sheriffdom of Fife, and Balhewall in the sheriffdom of Forfar, which he held of the king in chief, and in terms of the procuratory resigned in favour of his son and apparent heir, and Margaret Ottirburne, his spouse, for a charter and infeftment under the Great Seal to be granted to them in conjunct fee, and the survivor of them, and the heirs-male of their bodies, whom failing, the said David's nearest heirs-male, whom failing, his nearest heirs whomsoever, according to the tenor of the said David's ancient infeftment therein. Edinburgh, 20th October 1534. Witnesses, George Forestar of Strathenry, and others. Seal attached. [A charter under the Great Seal follows, dated at Stirling, 4th April 1535.]

194. Notarial Instrument narrating that in presence of Sir Patrick Ross, priest of St. Andrews diocese and notary public, and witnesses, Alexander Bunche, burgess of Perth, attorney for Mr. Andrew Leslye, son and heir of the deceased Robert Leslye, passed to the personal presence of venerable and religious ladies, Eufame Leslye, prioress of the monastery of Elcho, and nuns thereof, and presented to them a precept from the chancery of the king called "*De Meminimus* and *Furthe*," for the giving by the said ladies, as ladies superior, of a precept of sasine to admit the foresaid Mr. Andrew, as heir served to Robert Leslye his

father, to possession and sasine of the lands of Kynnarde. Which ladies, as superiors, said they were ready and prepared to deliver a precept of sasine to the said Andrew or his attorney, on payment of 50 merks Scots, according to the tenor of his father's infeftment, that every heir on his entry should pay to them a duplicand of the feu-farm, or on his finding sufficient surety for such payment; and they protested solemnly that they were not bound to give such precept unless the duplicand were paid or surety found, and that since his attorney did not offer payment, nor become surety, the blame lay with the said Andrew and not with them, and that it should not come in their prejudice because he would not fulfil the points of his charter and infeftment, as the lady prioress and nuns asserted. Whereon the said prioress craved instruments in her own name and that of the nuns. Done at the monastery of Elcho, in presence of Mr. Walter Leslye and Sir David Coleyn, chaplains, William Anderson, the king's macer, and others. 7th May 1537.

195. Summons under the signet of King James the Fifth, directed to the sheriff of Perth and his deputes, and to Laurence Bykerthon, sheriff in that part, proceeding on a complaint by David Wemys of that ilk, to the effect that he and his predecessors had been in peaceable possession of the half lands of Kynnardis, in the shire of Perth, for several years past, until John Adamsone, Andro Gall, Alexander Thomsoun, Andrew Thomsone, Anabell Moresone, Donald Moresone, Gregour Makmychael, tenants to George, Bishop of Dunkeld, in 1537, wrongously "raif out, telit and sew and biggit faldis" on part of the said lands that were used in common pasture before, on which the said David complained to the lords of council, who granted a commission to James Johnstoun, macer, and his colleagues, as sheriffs of Perth in that part, to take cognition in the matter. By which cognition it was found that the parties complained of had riven forth, etc., part of the said David's lands aforesaid in that year, which were used before by his tenants and the bishop's for common pasture, that the said year was the first year the riving forth, etc., had been done, and decerning the bishop and his tenants to desist therefrom in time coming, and the land so riven forth to be used again in common pasture, as the rollment bears; that nevertheless in the present year the persons above named had tilled and sown the said lands; charging therefore to summon the said persons to compear before the king and council at Edinburgh or elsewhere the 14th November instant, in the hour of cause, with continuation of days, to hear letters

in the four forms given forth charging them to desist from tilling and sowing the same, and in case of disobedience to enter their persons in ward in the castle of Blaknes, failing of which to be put to the horn, or else to allege a reasonable cause why the same should not be given; also charging the sheriffs to arrest the corns now growing upon the ground till it should be decided who had most right thereto. Edinburgh, 14th August, A.R. 25. [1538.]

196. Charter by James Coluile of East Wemis, knight, to David Wemis of that ilk, and his heirs and assignees, of his lands of Wester Raith, Polguild and Glennestoun, in the lordship of Lochquhoreschire and barony of Easter Wemis by annexation, in the shire of Fife, his third part of coals, salt, saltpans, quarries, "peitis, turffis, fale and duvettis," laboured within the bounds of the barony of West Wemis, in the barony thereof and shire of Fife, for a certain sum of money paid by the said David to him: To be held to the said David, his heirs and assignees, from the granter, his heirs and assignees, of the king and his successors, in fee and heritage, for rendering the rights and services due and wont. Culros, 26th March 1540. Signed, Ja. Coluil. Seal attached.

197. Charter by David Wemis of that ilk, and Lord of Strathardill and Litillun, whereby he sells and alienates from him and his heirs, and confirms to his well-beloved son, David Wemis, begot of Marion Touris, his spouse, his heirs and assignees, the lands of Strathardill, commonly called Downy, Kirktoun *alias* Clauchane, Ballinhald, Ballinkelze, Glengenzy, Dalreoth, Westir Inuerthrosky, Myddill Inuerthrosky, Essandolze, Wyrie, Myltoun of Wyrie, with mill lands and mills thereof, lands of Sulzerie, Dalhangitht, Cammowis, Thomcammowis, Spittale of Glensche, and the two lands or towns of Kynnardis, in his barony of Wemis by annexation, and sheriffdom of Perth; also his lands commonly called Litillwn, with the pertinents, in the foresaid barony and sheriffdom of Fife, for a certain sum of money which the said David paid to his father: To be held to the said David, his heirs and assignees, of the granter and his heirs, in fee and heritage, for payment of one penny Scots at Whitsunday, upon the ground of the lands of Strathardill, in name of blench farm, if asked only. Contains a clause of warrandice, and is dated at Wemis, 10th October 1542. Witnesses, David Boswell of Balbethy, Mr. Thomas Wemis of Vnthank, and others. Signed, "Dauid Wemis of that ilk, led with my hand at the pen be Maister Robert Auchmowtty, notar public." Seal remaining.

198. Precept by David [Beton], presbyter, Cardinal of the Holy Roman Church by the title of St. Stephen on the Cælian hill, Archbishop of St. Andrews, primate of Scotland, legate nate of the apostolic see, administrator of the church of Mirepoix, in France, and perpetual commendator of the monastery of Abirbrothok, to Archibald Betoun of Capildray, steward of the regality of St. Andrews, and Robert Aytoune, his bailies, to give sasine to David Wemys of that ilk and Marion Tovris, his spouse, the survivor of them in conjunct fee, and the heirs of the said David whomsoever, of the lands of Methill and Pyrne, with corn and waulk mills, and mill lands thereof, in the regality of St. Andrews and sheriffdom of Fife; which belonged heritably to the said David, and were resigned by him into the Cardinal's hand as superior, as contained in the charter thereupon [No. 102, *supra*]; saving the rights of every one, and taking security for the doing to the archbishop what was due therefrom by law. The Cardinal's round seal is appended at Kyngorne, 3d November 1542, before Andrew, Bishop of Whithorn and of the Chapel Royal at Stirling, George, Earl of Rothes, Lord Lesly and sheriff of Fyiff; Robert Aytoune of Inchderny and John Ibdy. Subscribed "Dauid, Card^{lis} St^{i} Andree." Seal remaining. [Sasine is given on the 4th, by the bailies, who in token thereof put the said David and Marion into the principal house of the town of Methill, closed the doors, shut them in, and then left them.]

199. Precept of Sasine by Sir George Clappartoun, provost of the collegiate church of the Holy Trinity, near Edinburgh, and the prebendaries and chaplains thereof, directed to Thomas Wemys, one of the Lords of Council, Robert Aytoun and John Jaksoun, for infefting John Wemys of that ilk, in the kirklands of Easter Wemys and the lands of Kirktoun, in the shire of Fife; under reservation to himself and his successors, provosts of the said church, of the principal manse of the vicar, with the croft belonging thereto on the east side thereof; and the chamber and garden and two acres of land then occupied by the vicar-pensioner of the said church, according to the tenor of the charter thereof granted by them to the said John [No. 110, *supra*]. Dated at the Chapter-house, 24th January 1545. Sealed with the common seal of the chapter, and subscribed "Dñs Georgꝯ Clappton ꝑpositus Sancte Trinitatꝭ prope Ed^{r} manu ꝓꝑa;" and by James Franche, sacristan, Sir William Zoungar, Alex^{r} Balfour, Dauit Sym, William Tempill, John Lithqw, and James Waldy. Seal remaining.

200. Commission by David [Beton] Cardinal, Archbishop of St. Andrews,

legate nate of the apostolic see and legate de latere through the whole realm of Scotland, etc., to the provost of the collegiate church of St. Salvator in the city of St. Andrews, James Rolland and Robert Maknair, canons of Dunblane and Caithness, dwelling in the said city, granted on a petition from John Wemys of that ilk, directing them, or any two of them, to summon before them George Clappertoun, provost of the collegiate church of the most Holy Trinity, near Edinburgh, canons, prebendaries, and chaplains thereof, and make inquiry respecting the grant, lease, and dimission of the kirklands of Easter Wemys, etc., made by the said Sir George Clappertoun to John Wemyss of that ilk [No. 110, *supra*], and if they found the lease to be for the advantage of the provostry, and George possessor thereof, to approve and confirm the charter and letters or instruments made thereon with apostolic authority. Given at Edinburgh, in St. Andrews diocese, under the seal of the archbishop's legation, 3d February 1545. Seal remaining. The inscription on the Legate's Seal is, "S · R · P · D · David · Beton · Tt · S · Stephani in Celio Mon · S · R · E · Pbri · Car · S · Andree Archiepi · Primatis Et Ap · Se · De · Latere · Legati." The under part of the seal contains the armorial bearings of the cardinal.

201. Letters or Instrument containing the process of confirmation, by John Major, professor of sacred letters, and provost of the collegiate church of St. Salvator, within the city of St. Andrews, and James Rollande, canon of the cathedral church of Dunblane, judges and commissioners together with Sir Robert Maknair, canon of the cathedral church of Caithness, their colleague in that part, appointed by commission of Cardinal David Beaton, of date 3d February 1545 [No. 200, *supra*], which commission was presented to the judges by David Gaw, procurator for John Wemyss of that ilk, layman of St. Andrews diocese; who craved that Sir George Clappertoun, provost of the Trinity College Church, near Edinburgh, the prebendaries and chaplains thereof, should be summoned: which the said John Major and James Rollande, judges and commissioners, having done, and they not compearing, and witnesses being examined to show that the lease of the kirklands of East Wemys, etc., was for the benefit of the provostry, and augmentation of rental of the same by the sum of 20s. yearly, the said judges confirmed the charter of the kirklands, etc., dated 24th January 1545 [No. 110, *supra*], and instrument of sasine following thereon, dated 3d April 1546 [No. 202, *infra*], judicially declaring by their sentence diffinitive the grant, lease, and dimis-

sion of feu-farm confirmed and ratified. Sealed with the seal of the officialate of St. Andrews, and subscribed by Robert Maknair, clerk of Dunkeld diocese, and notary, at St. Andrews, in St. Anne's chapel, 14th March 1545. Seal wanting. The commission, charter, and instrument of sasine, the last of a later date than the confirmation, are ingrossed at length in the instrument.

202. Instrument of Sasine in favour of John Wemys of that ilk, his heirs, and assignees, of the kirklands of Easter Wemys, and lands of Kirktoun of Easter Wemys, excepting the principal manse of the vicarage, etc., proceeding upon a precept, dated 24th January 1545 [No. 199, *supra*]. Sasine was given by John Jaksoun, bailie in that part, of the foresaid George Clappartoun, prebendaries and chaplains, in presence of the said George, who acknowledged and ratified the precept, and commanded the bailie in that part to give sasine. Done on the ground of the said lands, 3d April 1546. Witnesses, Sir John Lermont, rector of Pinkertoun, David Wemys, James Wemys, Sir Henry Bruce, curate of the parish church of Easter Wemis, and others.

203. Letters of Gift by Mary, Queen of Scots, by which, with advice and consent of her cousin and tutor, James, Earl of Arran, Lord Hamiltoun, protector and governor of Scotland, she grants to John Wemys of that ilk, his heirs and assignees, all goods moveable, corns, cattle, debts, tacks, steadings, obligations, sums of money, and other goods whatsoever that pertained to David Abircrummy of Cameroun, and had fallen to the queen by reason of escheat through his treasonable remaining and "abyding at hame," contrary to the tenor of the proclamation, from the host and army ordained to meet the governor in Dundee the 19th November last, for besieging and recovering of the house of Bruchty, withheld by the old enemies of England. Given under the privy seal, by signature subscribed with the hand of the governor, at Dundee, 4th December 1547.

204. Gift under the privy seal of Mary, Queen of Scots, with consent of James, Earl of Arran, protector and governor of the realm, to John Wemis of that ilk, his heirs or assignees, of the marriage of David Wemis, son and heir-apparent of the said John, which pertained to James Kirkcaldy, sometime of the Grange, sold and disponed to him by the said John, by an appointment made between them, and now pertaining to the queen by reason of escheat through forfeiture, orderly led upon the said James, for certain crimes of treason and lese majestie committed

by him, of which he was convicted, and all his goods adjudged to the queen; also granting to the said John the sum of 500 merks Scots, alleged received by him from the said James in part of payment of the sum of 1000 merks promised by him to the said John for the said marriage, with all action and right the said James had thereto, and all action that might be intended against the said John by reason of alienation foresaid, or the said appointment made on the alienation and tocher good, promised and received therethrough. Edinburgh, 11th February 1547-8.

205. Charter under the great seal of Mary, Queen of Scots, by which, with consent of James, Earl of Arran, protector and governor of the kingdom, she grants heritably to John Wemyss of that ilk, his heirs and assignees, the lands of Cameroun in the sheriffdom of Fife; which formerly belonged heritably in feu-farm to David Abircrummy of Cammeroun, and now pertained to the queen by reason of escheat, on account of the said David's being convicted by an assize before George, Earl of Rothes, sheriff of Fife, the queen's justiciary in that part specially constituted by commission, for treasonable remaining at home, and absence from the host ordained to convene with the said governor at Dundee on 19th November last [etc., as in No. 203]: to be held of the queen and her successors in feu-farm heritably for payment of the feu-farm maills and duties used and wont. Edinburgh, 24th April 1548.

206. Instrument of Renunciation by which David Wemis of Carnbo, brother of John Wemis of that ilk, compearing in presence of notaries and witnesses, in fulfilment of a decreet-arbitral pronounced between him and the said John by Walter Lundy of that ilk, and Mr. James Makgill, two of the judges-arbitrators chosen for the part of the said John and by Sir William Hammiltoun of Sanquhair, knight, and Mr. Thomas Makcalzane, two of the judges-arbitrators chosen for the part of the said David, with the authority and advice of John, archbishop of St. Andrews, dated at Edinburgh, 13th May 1552, and for payment of certain sums of money, renounced and overgave in the hands of the said John *ad perpetuam remanentiam* lands lying in Strathardill, viz., Downi, Kirktoun *alias* Clauchane, Ballinhald, Ballinkelzie, Glengenzie, Dalreoth, Wester Inuerthrasky, Middill Inuerthrasky, Eschindolzie, Wyrie, Miltoun of Wyrie, with the mill lands and mills thereof, the lands of Solzeric, Dalhangith, Cammois, Thomcammois, Spittale of Glensche, and the two lands or towns of Kynnardis, in the barony of Wemys by annexation, within the sheriffdom of Perth; a tenement of land in the burgh of the Wemys, a

salt pan on the south side of the town of Wemys, certain lands lying on the west side of the town of Wemys, between the lands called the Cuninghair on the west, the Deneburne on the east, the common vennel beside the old tower called the Coilgait on the north, the tenements of Patrick Trumbule, and the said David's own tenement, and the biggings of William Cade, smith, on the south part, claimed by the said David as belonging to him in liferent, in the barony of Wemys and shire of Fife; and also renounces all right or claim he had or might have to the lands of Easter Elcho called Wemys Elcho, Balhabram, and Craigtoun, mill and mill lands thereof, in the barony and shire aforesaid; and grants to have received from the said John an infeftment made to him for his lifetime of the lands of Dronel to be held of the queen and her successors for service used and wont, together with the sum of 3000 merks Scots, ordained to be delivered to the said David by the said John for redemption of the said lands in Strathardill, viz., Downi, Kirktoun, etc., and grants the said John to have fulfilled his part of the decreet-arbitral, except the payment of 300 merks appointed to be paid within year and day after the redemption of the said lands; and that the said lands in Strathardil had been as lawfully redeemed from him as if he had been infeft therein, conform to the said decreet, notwithstanding that the said infeftment was incomplete or made before the delivery of the said money; and the said David, his heirs and assignees, renounce all claim he or they might have to the said lands by virtue of the said decreet-arbitral or other ways, providing he be astricted to no further warrandice but from his own fact and deed. Done in the chamber of Thomas M'Calzane, in the town of Edinburgh, 2d December 1552.

207. Charter of Confirmation under the great seal, by Mary, Queen of Scots, with consent of James, Duke of Chattellarault, protector and governor of Scotland, of a charter by David Wemys, brother of John Wemys of that ilk, whereby in fulfilment of a decreet-arbitral between them made by judges-arbitrators, of date, at Edinburgh, 13th May 1552, he sold, alienated, and confirmed to the said John, his brother, and his heirs heritably, the lands of Easter Elcho, alias Wemys Elcho, lands of Balhabram, lands of Craigtoun, with mill, mill lands, and fishings thereof, in the barony of Wemys by annexation, and sheriffdom of Perth; to be held from the granter and his heirs of the queen and her successors, in feu and heritage, for rendering the rights and services due and wont, dated at Edinburgh, 3d December 1552. Witnesses, David Borthnik, Thomas M'Calzeane, James Wemis, advocates,

and others. Further, for the faithful and thankful service done to her by the said John, the Queen, with consent foresaid, decerns that the said lands of Easter Elcho, Balhabram, and Craigtoun, should now return to their ancient union with the barony of Wemys, and remain as parts thereof in time to come, as if they had never been disponed to the said David, and that a single sasine taken at the place of Wemys should be sufficient. Edinburgh, 3d December 1552. Witnesses, John, Archbishop of St. Andrews, treasurer, George, Earl of Huntlie and Moray, Chancellor, and others.

208. Charter by John, Archbishop of St. Andrews, primate of Scotland, legate nate, and legate a latere of the apostolic see, etc., by which, with consent of his metropolitan chapter, he grants to John Wemis of that ilk, his heirs and assignees, heritably, his lands of Caldcottis and two-part of the lands of Kilmuckis, in the barony of Kilconquhair, regality of St. Andrews and sheriffdom of Fife; which lands formerly belonged to Andrew Dunbar of Kilconquhair, and were resigned by his procurators in the hands of the archbishop, as lord superior, in favour of the said John, his heirs and assignees, at Edinburgh; to be held of the granter and his successors, archbishops of St. Andrews, in fee and heritage, for rendering the rights and services due and wont. Dated at Edinburgh, 12th June 1554, John Hammiltoun of Blakstoun, Mr. Alexander Forrest, rector of Logy-Montrose, the archbishop's secretary, and others, witnesses. Subscribed "Joannes, archiepŝ Sanctiandree," and sealed with the seals of the archbishop and chapter. (Seals remaining.) On the back is an instrument of resignation, by the said Alexander Forrest, M.A., rector of Logy-Montrose, certifying that at the place of residence of John, Archbishop of St. Andrews, within the burgh of Edinburgh, near the collegiate church of Mary of the Fields, on 12th June 1554, James Wemeis, procurator of the said Andrew Dunbar of Kylconquhar, passed to the presence of the archbishop and surrendered the above-written lands into the hands of the archbishop as superior, by staff and baton, and that in favour of John Wemis of that ilk, heritably, by delivery of staff and baton to Michael Nasmyth, attorney of the said John Wemis of that ilk, in token of granting of such new infeftment thereof.

209. Letters of Obligation by Dame Ewfame Leslie, prioress of Elcho, and convent of the same, chapterly gathered, by which they bind and oblige them-

selves to "ane rycht honorable man, and oure maist speciall helply frende, Johne Wemys of that ilk," and ~~to~~ his heirs and assignees, that whereas at the date of the present writ, in their great and urgent necessity they had borrowed and received from him the sum of 200 merks Scots, to the weal and help of their said place, and to relieve their debts and charges, in which they were instantly divers ways involved and therethrough under process of cursing, "quhairthrow Goddis seruice cesis in oure said place," and that for furnishing the said sum, the said John alienated and wadset a quarter of his lands of Easter Elcho, or at least 22 bolls victual, half beir and half meal therefurth; therefore the prioress and convent bind themselves and their successors to pay again to the said John, his heirs, executors, and assignees, the said sum of 200 merks together within forty days after being required thereto; and for more security constitute William Arthour, David Gaw, and others procurators, to enact them in the Official's Books of St. Andrews, for payment of the same, under the pains of cursing, with levation of letters, submitting themselves to the official's jurisdiction, etc. Dated at the place of the monastery, 1st September 1554, witnesses, Schir John Lame, vicar of the Rynd, and others. Subscribed by Eufame Lesley, prioress, with her hand, and by Dame Cristane Moncreff, Dame Eufame Lesly, Dame Eufame Suentoun, Dame Elene Stewartt, Dame Elizat Pait, Dame Elizat Wemys, Dame Annes Boswell, with their handis on the pen led by Schir Walter Ramsay, notary public.

Seal of the monastery attached. Legend: S. Commvne Monasterii de Elcho. The seal contains the figures of the Virgin and Child and Adoration of the Magi. An indorsation by the said William Arthur bears his acceptance of the procuratory on the 19th September; and another by David Russell, underscribe, bears a monition and enactment in the Official's Books on the same date.

210. Notarial Instrument narrating that in presence of the notary and witnesses, compeared John Suentoun and Alan Cluny, tenants of Eufame Lesly, prioress of Elcho and convent thereof, and at their desire bound themselves by oath, holding up their right hands, as by this instrument they became bound, so long as they remained tenants and occupiers of the half of the lands of the Mains of Elcho under the said prioress and convent, to relieve and keep skaithless John Wemys of that ilk, his heirs and assignees, and David Setoun and Schir William Grig, tenants of the laird of Wemys and occupiers of his quarter of thē lands of Easter Elcho, annually in time to come at the hands of Andrew Scott in Kirktoun

of Kinfawnis and Eufame Blair his spouse, their heirs and assignees, of 22 bolls of victual, half part beir and half part meal, sufficient market stuff, now sold and alienated by the said John Wemis to the foresaid Andrew and Eufame, the survivor of them in conjunct fee, and the lawful heirs of their bodies, whom failing, the lawful heirs of the said Andrew whomsoever and their assignees, out of the said quarter lands, for the special benefit and utility of the said prioress and convent as they acknowledged; and to deliver the said 22 bolls annually within the burgh of Perth, between the feasts of the Nativity and Purification of St. Mary, to the said Andrew Scott and Eufame Blair, etc., according to the tenor of the charter made by the said John Wemys to them thereupon: And the prioress and convent become bound to exonerate and discharge the said tenants of the same quantity of victual as they paid to the said Andrew and Eufame, and relieve them thereof. With procuratory of registration in the books of the Official principal of St. Andrews. Done in the chapter-house at Elcho, 1st September 1554. *In dorso:* 19th September 1554 is the date of the acceptance of the procuratory by Mr. William Arthour, and monition to the tenants by David Russell, under-scribe.

211. Confirmation under the quarter seal of Mary, Queen of Scots, of an Act or Decreet of the lords of council, dated at Edinburgh, 17th March 1543, anent the summons raised at the instance of Margaret Forestare, relict of the late James Coluile of East Wemis, knight, and of James Coluile, his eldest son and heir, against Normound Leslie, fiar of the earldom of Rothes, and Elizabeth Lyndesay, his spouse; ordaining the said Normound and Elizabeth to produce before the lords of council the pretended charter and infeftment of feu-farm given by the late king to the said Normound and Elizabeth in conjunct fee, and the heirs-male of their bodies, whom failing, to the eldest of their heirs-female, of the lands and barony of Easter Wemis, with the castle, tower, and fortalice of the same, in the shire of Fife, of the date, at Glammis, 26th October 1541, with precept, instrument of sasine and other evidents, to be considered by the said lords, and rescinded and annulled by them. The said Margaret and James compearing by Mr. Hew Rig, their procurator, and the said Normand and Elizabeth not compearing, the lords annul and rescind the said charter, etc., and ordain the said Margaret, relict of the said deceased James, and James Coluile, her lawful son, to be restored and put in possession of the said deceased James's lands and heritages above written, as freely as they were at the time of the giving of the pretended decreet, and sentence of forfeiture led against the

said deceased James by the king; because the lands pertained heritably to the said deceased James before the sentence of forfeiture led against him, Margaret, his relict, and James, his eldest son and heir, of date, at Edinburgh, 14th March 1540, and the foresaid infeftments were given by the king to the said Normound and Elizabeth, the lands being in his hands by escheat through the said pretended forfeiture, which sentence of forfeiture, with all that followed thereon, by decreet of the last parliament held in the tolbooth of Edinburgh on 12th December last, was orderly rescinded and annulled, and the said Margaret Forestare, relict, and James Coluile, son and heir foresaid, restored to the deceased James's lands, heritages, etc., as was clearly understood by the lords. Which act or decreet the queen confirmed and ratified. Given under the quarter seal at Edinburgh, 17th July, 13th year of reign [1555].

212. Charter by Mary, Queen of Scots, under the great seal, confirming a charter of alienation by Dame Margaret Erskine, relict of the deceased Robert Douglas of Lochlevin, to Jonet Douglas, spouse of James Coluile of East Wemys, knight, in liferent, of fifteen acres of land of the three-quarter lands of the demesne lands of Easter Wemys, then occupied by John Wilson; nine acres of the said three-quarters of the demesne lands of Easter Wemys, then occupied by James Coluile, in the sheriffdom of Fife; and the lands of Carntoun of Tulycultre, otherwise called Hiltoun of Tulycultre, in the sheriffdom of Clakmannan, to be held to the said Jonet Douglas of the queen and her successors in liferent for all the days of her life; and after the decease of the said Jonet, the dominical lands of East Wemis, the third part of the lands of Bukhavin, with tower and fortalice of East Wemis, mills and fishings thereof, in the shire of Fife, to James Coluile, grandson (nepos) of the said Margaret, son and heir-apparent of the said James Coluile of East Wemys, knight, and the lawful heirs-male to be begotten of his body, whom failing, to the heirs begotten or to be begotten between the said James, elder, and the said Jonet Douglas, his spouse, whom failing, to the said James, elder, and the heirs-male of his body, whom failing, to Robert Coluile of Cleische, and the heirs-male of his body, whom all failing to the nearest heirs of the said James, elder, whomsoever, to be held of the queen and her successors in fee and heritage; also the lands of Balhartye, Drumnye, Schannoch, Carsnachtane, Corntoun with the waulk mill thereof, Ellokis, Dauokand, Hirvist, Dauok, the said lands of Carntoun of Tulycultre, otherwise called Hiltoun of Tulycultre,

with the manor-place and fortalice thereof, in the sheriffdom of Clakmannane, for a certain sum of money paid to her beforehand by the said Jonet, and James her grandson; to be held from the granter and her heirs of the queen and her successors, in feu-farm and heritage, for rendering for the said fifteen and nine acres, etc., the rights and services due and wont; for the lands of Carntoun, ten merks Scots, and two chalders of malt yearly; and after the decease of the said Jonet, for the mains of East Wemys, etc., the rights and services due and wont; for the lands of Balhartye, etc., the sum of £41, 16s. Scots, and eight chalders of malt, in name of feu-farm, yearly, at the terms of payment contained in the ancient infeftment. With clause of warrandice to the said Jonet Douglas and to James Colville of the Mains of East Wemis, and third part of the lands of Bukhavin, tower and fortalice thereof; reserving the frank-tenement of all the foresaid lands to the granter for her lifetime; containing also a provision that the said Dame Margaret should not be bound to warrant the lands, if the process of apprizing of the lands made to her thereupon should be reduced, or the said Jonet evicted from the lands or any part of them for any cause, or molested in the peaceable enjoying of them. Edinburgh, 30th May 1555. Witnesses, Henry Douglas of Amracroch, William Douglas of Lochlevin, Mr. John Douglas, rector of Newlandis, and John Dryisdaill. Which charter the queen confirms in all points, saving the rights and feu-farm duties used and wont. Edinburgh, 7th June 1555.

213. Contract of marriage between Patrick, Lord Ruthven, sheriff of Perth, and Cicilia Ruthven, his sister, on the one part, and John Wemis, of that ilk, and David Wemis, his son and apparent heir, on the other part, whereby it is agreed that David should marry Cicilia between the date of the contract and the nativity of St. John, called Midsummer, next following. In contemplation of which marriage, the said John, his father, is bound to infeft her in liferent, in her pure virginity, before Whitsunday next, in his lands of Balhabrahame and Ardargy in the sheriffdom of Perth, and the baronies of Wemis and Elcho respectively, to be held of the said John and his heirs in blench; and also afterwards to infeft his son David, and Cicilia, his spouse, in conjunct fee, and the heirs-male of their marriage, whom failing, the said John's heirs whomsoever, in the heritable fee of the said lands, if so required by Lord Ruthven; to be held of the queen and her successors. And as the parties were related in the fourth degree of consanguinity a dispensation for their marriage was to be procured at their mutual expense, and

the same to be done if any cause of divorce were found between them. Lord Ruthven agrees to pay to the said John the sum of 3000 merks Scots as tocher. With provision for the daughters, if there should happen to be no heirs-male, viz., for one heir-female 2000 merks; for two or three, 3000 merks, to be equally divided; for four or more 4000 merks, to be equally divided among them; such money to be consigned to the care of the provost and masters of St. Salvator's College of St. Andrews, to be applied to their marriages, or laid out upon land for their behoof, at the sight of the said noble Lord, John Wemyss, and their heirs, etc. Dated at Edinburgh, 7th May 1556. Witnesses, David, Lord Drummond; Colin Campbell of Glenvrquha; Andrew Dunbar of Kilconquhair; James Kennedy, chancellor of Dumb. . .; David Ramsay of Brakmonth, and James Wemys, notary public.

214. Charter by Eufame, prioress of the monastery of Elcho, and convent thereof, of the Cistercian order, in the diocese of St. Andrews, whereby, with consent and confirmation of John, archbishop of St. Andrews, primate of the whole kingdom of Scotland, legate nate, and legate de latere of the apostolic see, superior of their order within the kingdom of Scotland, for augmentation of their rental yearly by the sum of £4, 16s. Scots, and for a sum of money paid to them by John Wemys of that ilk, their heritable bailie, at the making thereof, and expended in reparation and building of their monastery, burnt and destroyed a little before by their old enemies of England, and in the embellishment of the said house of God, and for many other benefits and counsels conferred on them and their monastery by the said John, they give, set, and in feu-farm heritably let to him, his heirs and assignees whomsoever, those 24 acres of their cottar lands, within their lordship of Elcho, and sheriffdom of Perth, of which 15 acres lie contiguous in the Westertoun of the Cots of Elcho, three in the town called Brunthill, and six in the town called Lauerokis, all occupied by several tenants, and extending to 18 merks Scots in the rental of the place, which, with the aforesaid augmentation, extends to the sum of 25 merks, 3s. 8d. Scots; to be held of the granters and their successors in feu-farm and heritage; the said John, his heirs and assignees, paying yearly for the 8 acres occupied by Alexander Nycolsone and Catharine Zoung six merks, as the ferme formerly paid, with two merks, 5s. 4d. in augmentation, by reason of the present infeftment, with six poultry yearly for every one of the 8 acres, with compearance at the three head pleas to be held yearly at the monastery or elsewhere; and

the said John, and his heirs-male bearing his surname and arms, their heritable bailies, paying to them and their successors in the monastery for the remaining 16 acres the sum of 16 merks, 10s. 8d. Scots, for the ancient ferme, and for augmentation, extending in whole to 25 merks, 3s. 8d. yearly, and doubling the foresaid sum at the entry of each heir; and whereas they had otherwise appointed the foresaid John Wemys, and his heirs-male, their heritable bailies of all lands and possessions belonging to the monastery, as more fully contained in the charter of bailiery made thereupon, nevertheless, the issues, amerciaments, etc., of the courts held by the said bailies are to be applied to the use of the prioress and convent, and their successors, as provided in the charter of bailiery, and they therefore grant the foresaid ferme of the 16 acres, extending yearly to 16 merks, 10s. 8d., to the said John, and his heirs-male, their heritable bailies, for salary and execution of the office of bailiery, and bind themselves and their successors thereto, and discharge them from payment of the said ferme. Dated at the monastery of Elcho, 20th August 1558. Subscribed by Ewfame, prioress, with her own hand, and the other five nuns with their hands led by the notary, also by "Joannes, Archiep^{s} Sanctiandree." The common seal of the monastery, and round seal of the archbishop appended.

215. Letters of Regress, under the privy seal of Mary, Queen of Scots, bearing that whereas John Wemis of that ilk had sold heritably to John Aittoun of Dynmure, his heirs and assignees, his lands of Hildrone, in the barony of Wester Wemis, and sheriffdom of Fife, to be held of the queen and her successors; and John Aittoun delivered thereupon to the said John Wemis a letter of reversion, containing a certain sum of money; nevertheless the queen, for the faithful service done to her by the said John Wemis, grants and promises to him, his heirs and assignees, that at what time and how soon the said reversion should have been fulfilled to the said John Aittoun, his heirs or assignees, by the said John Wemis, his heirs or assignees, and the foresaid sum fully paid, then, and in that case, the foresaid John Wemis, etc., shall have full and free regress and ingress again to the heritable possession and property of the said lands, and the queen receives and confirms him, his heirs and assignees, as heritable tenants of the said lands, to be held of her and her successors. Edinburgh, 6th May 1558. By signature subscribed by the hand of Mary, Queen dowager and Regent.

216. Lease by Dame Eufame Lesly, prioress of Elcho and convent of the same, proceeding on the following preamble:—"That forsamekle as oure auld

innymeis of Ingland, being in Brochty for the tyme, put oure said place to vter distructioun, brint and hereit the samyn, quhairthrow we wer in extreme povirtie, and haid nocht to sustene ws, nor to re-edify and big oure said place agane, wythtout the grete help, supple, gratitudis, and thankis done to ws be ane honorabill man, Johnne Wemys of that ilk, and in speciall of the ressait and furnessing of ws and oure said convent in malt, meill, and seid to saw vpoun the manis and grange of oure said place be the space of foure zeiris immediatle eftir the said combustioun, togidder wytht diuers sowmes of money borowit and ressauit be ws fra the said Johnne at sindry tymes, convertit in the vtilite and proffit of ws and our said place, extending in the hale the saidis cornis and victualis wytht money, being comptit and rakynnit togidder in ane sowme, extendis to the sowme of sex hundreth merkis vsuale money of this realme. And becaus of the grete hairschip and skayth done to ws as said is, we ar becumin in extreme povirtie, and involuit in grete dettis, quhairthrow we may nocht lawbour and manur oure said manis and grange of Elcho be our selffis, and siclik, we may nocht get and obtene the said sowme of sex hundretht merkis to pay to the said Johnne, we haiffand consideratioun of the premissis, and in speciall for the discharge of the said sowme of sex hundreth merkis money foirsaid," they set to the said John, his heirs, assignees, and sub-tenants of no higher degree than himself, the Mains and Grange of Elcho, with teind-sheaves, mill, and salmon fishing thereof, except the place and orchard with the 24 acres set in feu to the said John before, for the space of nineteen years, for payment of six chalders of oatmeal and three chalders of beir, to be paid at their said place betwixt Yule and Candlemas yearly. At Elcho, May 1559. [A precept of sasine follows, dated at Elcho, 26th September 1559.]

217. Receipt by David Balfour of Barrye, and Elspet Wemys, lawful daughter of John Wemys of that ilk, by which they acknowledge to have received from the said John Wemys the sum of 300 merks Scots in gold and silver, in complete payment to them of the sums promised to them for "toucher gud, and drowrye," appointed to be given by the said John to the said David for completing of the marriage between him and the said Elspet, since completed, etc. Subscribed at Logy, 2d June 1560.

218. Contract of marriage between Sir John Wemys of that ilk, knight, and Eufame Wemys, his daughter, on the one part, and Mr. David Carnegy of Culluthy, on the other part, whereby it is agreed that the said David shall marry Eufame,

and in order thereto shall resign into the king's hands the half lands of Kirktoun of Panbryid, the Rautoun Raw haven, with the acres and fishing thereof, in the barony of Panbryid and sheriffdom of Forfar, for new infeftment thereof, to be made to him and Eufame, his future spouse, and the heirs-male of their bodies, whom failing, to the said David's heirs whomsoever, and that upon the said John's expenses, and the said John, her father, binds himself to pay to the said David, her husband, the sum of 2000 merks Scots. With clause for registration in the Books of Session or Commissary's books of St. Andrews. Dated at the Wemys, the 4th of October 1568. Witnesses, Mr. David Borthuyk of Loychill, John Wemys of Pittencreif, James Wemys in Lucharis, and Andrew Gray, writer. With a provision that if there were no heirs-male of the marriage, but heirs-female only, the said David should refund and pay to them the sum of £1000 Scots for their sustentation and marriage.

219. Precept by John Wemys of that ilk, knight, commanding John Spadyne and Patrick M'Kaye, his officers and prolocutors in that part, to charge Andrew Spadyne for the lands of Achyndullie, Patrick Robertsone for the lands of Ballankillie, Andrew Robertsone, *alias* Neilsone, for the lands of Dalriothe, Duncan Murray for the lands of Suilzerree, John Reid for the lands of Easter Downy, in the sheriffdom of Perth, to meet the foresaid John Wemys, or any whom he should depute to wait on the sovereign's service in his name, on the 1st October next at the town of Leith, and to wait on and serve the said John Wemys or whoever he should appoint, upon their own expenses, in virtue of their infeftments, by which they were bound to wait on the said John at all raids, hosts, and conventions that should happen to be appointed by the king for whatever causes he pleased, when the inhabitants of the shire were charged thereto; and the king, his regent, and council had charged by letters patent, duly published, his Highness' lieges, as well in burgh as land dwelling in the shire of Perth, to assemble and meet the said regent "boiddin in feir of weir" on 1st October, with provision for forty days thereafter "for sik caussis and consideratiounis as his Hienes Regent foirsaid and counsell hes thocht expedient." Elcothe, 20th September 1571. An execution indorsed by the officers bears that the parties were charged on the 24th of September.

220. "The Testament Testamentar and Inventar of the guidis, geir, sowmeis of money and dettis perteining" to the late John Wemys of that ilk, at the time of

his decease, which was in the month of January 1571. Given up by David Wemys, his son and heir, nominated by the deceased as testamentary executor in his latter will, dated the 25th of the said month. It mentions that he then possessed 86 draught oxen, worth overhead £5 each; 5 stots, one year old, price of the piece, 40s.; 158 ewes, and 4 wedders, price of the piece overhead, 14s.; 123 hoggs, price of the piece, 8s. In the barn and barnyard 38 chalders 4 bolls, oats, price of the boll, 26s. 8d., etc., with other goods, the whole Inventory amounting to £2590, 2s. 9d. Among the debtors of the deceased, are David Swentoun, for £136, 3s. 4d.; Dame Eufame Leslie, prioress of Elcho and convent thereof, for £133, 6s. 8d.; also at the time of his decease he had good action against John Reid, son and heir of John Reid of Straloch, and Alestar Wod, his brother, for downcutting and awaytaking furth of his lands of Straarlie, in the months April to February 1544, of "fourtie thousand birken trieis," and similarly for cutting and taking away from the said wood and lands by the said deceased John, and Alaster his brother, of 60,000 birken trees, in the same months in the year 1545, price of each birken tree, 6s. 8d. Summa fifty thousand merks. Summa of the debts owing to the dead, 33,573li, vis. viijd.

Among the debts due by the deceased are one to Patrick Wemys, his brother, for "aucht oxin coft and ressauit be him 40li; item obtained against the said David Wemys, as executor, by Thomas Knytsoun, for 32li. 16s., by decreet before Mr. William Skene, commissary of St. Andrews; a decreet before the same commissary by Mr. David Carnagy of Cullulthie, against the said David as executor, containing the sum of 1333li. 6s. 8d., of tocher guid promised to the said David, as the decreet, dated the 23d May year aforesaid, bears, etc. The debts in all amounting to 1467li. 16s. 8d., leaving of free gear 34,595li. 12s. 9d. The will is dated at Wemys Elcho, 25th January 1571, and is given at length No. 124 *supra*.

221. Retour of Inquest held in the tolbooth of St. Andrews, before Patrick Leirmonth of Darsye, knight, steward general of the regality of St. Andrews, William Nairne and Archibald Mwre, citizens of the city of St. Andrews, and stewards depute of the said regality, by James Sandelandis of Sanctmonanis, Thomas Mortoun, apparent of Cammo, Alexander Traill of Blebo, David Balfour of Balledmonth, John Wemys of Pettincreif, James Wemys in Lucheris, David Hay of Sandfurde, John Bonar of Lumbanny, John Wemys in Craigfudy, John Spens in Lathane, William Myillis there, David Dury there, William Patersoun

there, David Ingleis of Ardett, and James Forret, portioner of Polduff; who find that the late John Wemys of that ilk, knight, father of David Wemys now of that ilk, died vest and seised as of fee in the two-part of the lands of Kilmukkis and whole lands of Caldcottis, in the regality of St. Andrews and sheriffdom of Fife; that the said David was nearest heir, and of lawful age; that the lands were worth 20 merks Scots, and in time of peace 4 merks, and were held in chief of the Archbishop of St. Andrews, and had been in his hands for four months, by the decease of the said John Wemys of that ilk, knight. 15th May 1572.

222. Summons under the quarter seal, directed to John Wilsoun, sheriff in that part, charging him to summon before witnesses, Patrick Kynnynmonth of Craighall, Patrick Leirmonth of Dersy, knight, Alexander Traill of Blabow, Mr. David Carnegy of Cullathy, Robert Lundie of Coudlandis, David Hay of Sandfurd, George Clapen of Carslogy, David Barclay of Cullerny, John Aytoun of Dunmure, James Meldrum, fiar of Segy, Mr. John Pitcarne of that ilk, Archibald Dundas of Fingask, Michael Balfour of Burlie, Henry Orme of Mukdrum, John Lundie of Stratharlie, Alexander Pitblado of that ilk, and John Wemys of Pettincreif, who had been formerly on the serving of a brieve of inquest purchased by David Wemis of that ilk; also the said David Wemis of that ilk, personally, or at their dwelling-places, and all others having or pretending interest, by public proclamation at the market-cross of Cupar and other places needful, to compear before the king and his lords of council at Edinburgh, or where he should be residing for the time, on the 10th February next, etc., to answer at the instance of John Speus of Condy, and Robert Creichtoun of Eliok, the king's advocates for the king's interest, and at the instance of Sir William Scot of Balwerie, knight, for his interest, in whose prejudice the inquest and service were made, for their manifest and wilful error in serving the said brieve, in serving the said David Wemys of that ilk as nearest and lawful heir to the deceased John Wemys of that ilk, knight, his father, in the various lands contained in the retour, in which the said persons of inquest wilfully erred in retouring that the said late John Wemys of that ilk, knight, died last vest and seised in the barony of Wester Wemys, called Wemisschire, with annexes and pendicles thereof, viz., the lands of Wester Wemys, with tower, manor place, town, and burgh thereof, etc., the lands of Litilloun, etc., and that the said David is nearest heir thereto, and that the said lands and barony were in the king's hands for three months, as more fully

contained in the said retour, of date at Cowpar, 14th May 1572 [No. 125 *supra*]; that the assize erred in returning indefinitely and indistinctly, without any exception or reservation, because at the time of the decease of the said late John, and time of service, long before and still, Sir William Scot of Balwerie, knight, was and is vest and seised and lawfully infeft by charter and sasine, in express words, in the lands of Wester Wemys and Easter Wemys, extending to a ninth part thereof, and that therefore the said ninth part of Wester Wemys was not in the king's hands at the time of serving the said brieve of inquest; and that the inquest in retouring the said David as heir to his father in the said lands of Wester Wemys, without excepting the foresaid ninth part, had not only manifestly but maliciously and wilfully erred, especially since they knew that the said ninth part belonged to Sir William, for he compeared before the said inquest personally, and declared his right, and offered to show them his evidents, but they had proceeded to the service, disregarding his allegations and the evidents he offered to show them; charging the said persons and the said David Wemys to bring the retour and evidents with them, to hear and see the retour cassed and annulled, etc. Given under the quarter seal, at Edinburgh, 28th November, 6th year of the king's reign [1572]. A messenger's execution bears that the above-named parties were summoned between the 14th and 19th days of January 1572.

223. Precept of Sasine by John, Archbishop of St. Andrews, primate of Scotland, for infefting David Wemyss of that ilk in the lands of Methill and Pirnye, in the regality of St. Andrews and shire of Fife, as heir to David Wemys of that ilk, his grandfather; narrating that the lands had been in the hands of Marion Towris, relict of David Wemys of that ilk, who deceased in May 1544, as conjunct fiar for twenty-eight years; and her conjunct fee had been converted into liferent and franktenement of the same; and the said David had been retoured without prejudice to her right to the same; reserving therefore to Marion Towris her liferent, franktenement, and all other right she had to the said lands. Dated at the city of St. Andrews 20th September 1572. Signed "Joannes Sanctiandree Archiep^{us}," and sealed with his round seal.

224. Acquittance by Marion Towris, Lady Wemyss, with consent of Mr. Bernard Hammylton of Bogwod, then her spouse, to David Wemyss of that ilk, for the sum of 100 merks Scots, for the Whitsunday term's maill of the third of the

Wemyss, coal and salt of the same, in the year of God 1573, lying on the south side of the water of Leven, conform to a contract made between the late Sir John Wemyss of that ilk, knight, and his heirs, on the one part, and the said Lady Wemyss and her spouse on the other part, registered in the Books of Council, of date at Edinburgh and Wemyss, 30th and 31st July, anno, etc., lvij years. Subscribed by the notary at Lady Wemyss'-command, and by her husband, in token of his consent, at Methell 1st August 1573, in presence of Sir James Towris and others. Signed, "M. Bernerde Hammyltoun of Bogwod, w^t^ my hand."

225. Charter by David Wemyss of that ilk, in fulfilment of a contract matrimonial made between the said David Wemyss and John Wemyss, his son and apparent heir, on the one part, and William Douglas of Lochlevyn, for himself, and taking burden on him for Margaret Douglas, his daughter, on the other part, dated at St. Andrews 17th April last, whereby David grants and confirms to John, his son, and Margaret Douglas, his future spouse, and the survivor of them, in conjunct fee, and to the lawful heirs of their bodies; whom failing, the nearest lawful heirs of the said John, or assignees whomsoever, the lands of Tulebrek, Litillwn, and Camrounmylne, in the barony of Wemyss by annexation, in the sheriffdom of Fife, in special warrandice, and clause of warrandice, of the lands of Methill, with waulk and corn mills thereof, the lands of Hill and Pirnye, in the regality of St. Andrews, and shire of Fife, which he had given to the said John and his future spouse, according to the tenor of the foresaid contract, held of the Archbishop of St. Andrews, as superior: To be held, the said lands of Tulibrek, etc., from the granter and his heirs of the king and his successors, in fee and heritage, for rendering the services due and wont. Dated 1574. [Copy.]

226. Contract of Marriage between David Wemis of that ilk, and Margaret Wemis his eldest daughter, on the one part, and Mr. James Betoun of Creich on the other part, whereby it is agreed that the said James shall marry Margaret, and solemnise the band of matrimony with her in face of Christ's kirk and congregation between the date of the contract and the feast of Midsummer next to come; and in contemplation thereof shall infeft the said Margaret in her virginity, in liferent, in the lands of Balgoif, in the regality of St. Andrews and shire of Fife, and in the salmon fishings in the water of Tay at the South Ferry, called "Merschellis Havynnis fisching," and he and his heirs shall warrant the said

lands to be worth 8 chalders of victual besides "keanes" and other duties, and the fishings to be worth 20 barrels of salmon yearly, besides feu maills and dues paid to the superiors of the lands and fishings, until the said James had redeemed his lands of Creich, tower and fortalice thereof, his lands of Johnestoun, Countriehillis, and Dunbug, which being redeemed he should resign the same (except the Gudvan and manor place thereof and acres occupied by his own proper goods) and obtain heritable infeftment of the same to himself and the said Margaret in conjunct fee, and to the heirs-male of their bodies; whom failing, the heirs of tailzie of the said James, to be worth to the said Margaret yearly 10 chalders victual and 300 merks money, besides grassums, etc., wherein being seised she shall renounce her liferent of Balgoif, etc., at the sight of the said David Wemis or his heirs; the said David to pay to the said James the sum of 5000 merks Scots, half of it to be employed in the redemption of the land. The sureties for David Wemis of that ilk are—Mr. David Carnegy of Colluthie, David Wemis of Vuthank, John Wemis of Pettincreif; for James Betoun, John Betoun of Balfoure, David Betoun of Melgum, and John Betoun of Petlochie. Dated at Wemis Elcho, 5th April 1578. Witnesses, James Wardlaw of Newtoun, James Drummond of Cardneis, and others.

227. Contract of Marriage made between David Wemis of that ilk, and Jane Wemis his daughter, on the one part, and Mr. James Makgill of Rankelour Nether, Clerk of Register, Jonet Adamsoun his spouse, and Mr. James Makgill their son and apparent heir, on the other part; whereby the said James, younger, agrees to marry the said Jane, and solemnise the band of matrimony with her in face of holy kirk between the date of the contract and the last day of June next, and he as fiar, with consent of his father as frank tenementar, shall infeft her in liferent in the lands of Auld Lundoris, in the shire of Fife, to be held of the king and his successors, etc., reserving to James Makgill, elder, his frank-tenement of the half thereof, etc. And in security for such infeftment to be afterwards given, the said Mr. James Makgill, elder, binds himself to infeft his son in the fee of the lands of Laiggs, Glenquikkin, and Dargulvill extending to an 8 merk land in the stewartry of Kirkcudbright, held in feufarm of the abbot and convent of Dundrenane; also in an annual rent of 100 merks of the customs of Aberdeen, and 60 merks of the water maills thereof lying in wadset upon a thousand pounds; reserving the liferent of the same to the said James, elder, and

Jonet Adamsoun his spouse; who further make their son and his heirs assignees to the "steilbow" goods upon the said lands in Galloway, viz., 40 kine and a bull, 200 ewes, and 130 "yeild" sheep; also to the 36 oxen labouring the half lands of Lundoris, etc. For all which causes David Wemis of that ilk engages to pay to the said James Makgill, elder, and his spouse the sum of 3000 merks Scots. Dated at Edinburgh, 18th April 1578. Witnesses, James Adamsoun, John Adamsoun, burgesses of Edinburgh; Richard Bannatyne, William Murray, burgess of Montrose; Mr. David Carnegy of Panbryd, James Wemys of Kaskyberryn, John Wemys, apparent heir to the said David Wemys of that ilk.

228. Letters under the signet of King James the Sixth, at the instance of James Scott of Baluery, son and apparent heir of the late Sir William Scot of Baluery, against James Sandilandis of Sanct Monans, William Bosuell, fiar of Balmwto, David Monipenny of Pitmillie, Alexander Monypenny of Kinkell, George Halkheid of Pitfirrane, Alexander Inglis of Tarvat, David Barclay of Cullernye, John Lindsay, younger of Kirkforther, Mr. John Pitcarne of Forther, William Ballingall of that ilk, Robert Ramsay of Balmonth, Andrew Vardlaw of Torry, Henry Orme of Mwgdrome, David Lindesay of Pyotstowne, and George Mwtray of Seyfeild, being parties on the inquest held in Couper in Fife on the 22d of August last, on a brieve given in by the said James, and which they had failed to affirm or deny as to its points, because of objections raised by David Wemys of that ilk, etc. His Majesty accordingly commands his sheriffs to summon them to meet again at Cupar in Fife on the 20th January next, to deliver affirmatively or negatively upon the points of the brieve. Dated 17th December 1579.

229. Extract Registered Contract of Marriage between Sir James Stewart of Down, knight, commendator of Sanct Colmisinche, and Marie Stewart his daughter, on the one part, and David Wemes of that ilk, and John Wemes his son and apparent heir, on the other part, whereby it is agreed that John shall marry Marie before the 25th December next, and that in contemplation thereof, he and his father David shall resign the lands and barony of Methell, the lands of Hawche and others, in the barony of Wemes and shire of Fife, in favour of the said John and Marie Stewart, and shall obtain new infeftment for them in said lands; and while Margaret [Marion] Towris, relict of Sir David Wemys of that ilk, knight, holds the lands of Methell in liferent, the said David agrees to make the said John and

Marie his assignees to the ferms and duties of the lands of Tulliebrek and Ardargie, etc.; and the said Sir James is bound to pay 8000 merks tocher to the said David Wemys, Patrick Lord Lindsay of the Byris becoming security for payment of 2000 merks, and James, Lord Innermaithe for 2000, James Lindsay of Dowhill, and Archibald Stewart, burgess of Edinburgh, for 2000, etc. Dated at the Wemes the 16th August 1581; witnesses, Mr. David Carnegie of Panbryde, Robert Drummond of Carnok, knight, David Barclay of Collerny, John Wemys of Pettincreif, Andrew Wemys of Myrecarnye, James Wemys of Caskiebarrie, James Lindsay of Dowhill, Mr. Walter Balfour, exhorter at Kinros, and others; and registered in the books of Council at Edinburgh the 21st November same year.

230. Charter by Patrick, Archbishop of St. Andrews, with consent of his chapter of the metropolitan church of St. Andrews, to John Wemys, son and heir-apparent of David Wemys of that ilk, and Mary Stewart, his spouse, the survivor of them in conjunct fee, and the heirs lawfully procreated or to be procreated between them; whom failing, to the lawful and nearest heirs or assignees of the said John whomsoever, of the lands of Methill, with waulk and corn mills and mill lands thereof; the lands of Hill and Pirnye, together with the superiority of the lands of Caldcottis, and two-part of the lands of Little Kilmwkis, tenants and tenandries thereof, and office of bailiary and keeper of the water of Levin, with every ninth salmon taken in it, and fees and duties of the said office used and wont, in the regality of St. Andrews and sheriffdom of Fife; which lands and others formerly belonged heritably to the said John, held immediately of the granter, and were resigned by him in the archbishop's hands as superior thereof, for implement of a contract of marriage made between him and the foresaid Mary, his spouse, in favour of himself and his said spouse, reserving the frank-tenement of the foresaid lands of Methill to Marion Towris, spouse of Mr. Bernard Hammiltoun, for her lifetime: and all which lands of Methill, etc., superiority and office of bailiary, the archbishop, for himself and his successors, unites and annexes into one entire barony, to be called the BARONY OF METHILL in all time coming, so that a single seizin to be taken on the ground of the lands of Methill shall be valid and sufficient for all the foresaid lands. To be held to the said John Wemis and Mary Stewart, etc., of the granter and his successors, archbishops of St. Andrews, in fee and heritage for ever, for payment year by year for the foresaid lands of Methill, with mills thereof and all the others foresaid, the sum of five pounds

Scots in name of cane, at Whitsunday and Martinmas, by equal portions, with three suits of court at the archbishop's three head pleas to be held annually at St. Andrews. Further, for various gratitudes and good deeds done by the said John Wemys and his predecessors to the granter and his predecessors, archbishops of St. Andrews, and for certain great sums of money paid to him by the said John Wemys at the making hereof, and converted to the use of the archbishop and the metropolitan church of St. Andrews, the archbishop wills and grants for himself and his successors, that should the foresaid lands and others fall into his hand or his successors', by reason of ward and relief of the heirs and successors of the said John Wemys, or relief and non-entry thereof in the archbishop's hands, that the foresaid John, his heirs and assignees foresaid, during all the years and terms of the foresaid ward, relief, and non-entry, for payment of the sum underwritten, should peaceably enjoy and possess the same, and uplift the farms, profits, and duties thereof; during which space of ward, relief, and non-entry, the said John, his heirs and assignees foresaid, should be bound to pay the sum of £40 Scots to the archbishop and his successors as superiors, at the two usual terms: and further appoints and substitutes the said John Wemys, his heirs and assignees foresaid, as patrons of the rectorage and vicarage of the parish church of Methill in the diocese of St. Andrews. Contains a clause of warrandice and precept of sasine, and is dated at St. Andrews, 6th September 1582. Witnesses, David Berclay of Cullerny, John Beatoun of Balfour, Alexander Traill of Blabow, Andrew Kynnynmontt, apparent of Craighall. Subscribed, "Patricius episcopus Sanctiandreæ," and sealed with the archbishop's round seal and the common seal of the chapter. [Another charter of the same lands was given on the same date and in the same terms, except that it wants the clauses regarding ward, relief, and non-entry, and the patronage of the rectorage and vicarage of the parish church of Methill.]

231. Copy Letters, under the signet of King James the Sixth, bearing that though the long controversy between David Wemys of that ilk and John Boiswall of Balmuto, touching their right and interest to the loch of Lochgelly and fishing thereof, was removed and reconciled by the mediation of the late James Meldrum of Segy, one of the Senators of the College of Justice, and other friends, the king was credibly informed that the quarrel was renewed on August instant by the said John Boiswall, who, accompanied with his friends and servants, had caused cut "faill and devat," within the lands and bounds pertaining

to the said David Wemys of that ilk, and understanding that thereupon both the parties intended to make convocation "of a greit force of their freindis and servandis," and pursue each other "by way of deid," on which great tumult might ensue; the king therefore charges his messengers to warn parties to desist from such convocation, and, if such were already made, to retire to their own places under the pain of treason. Edinburgh, 23d August 1588.

232. Charter under the Great Seal by James the Sixth, King of Scots, after his perfect age of 21 years complete, and general revocation, granting and confirming to his well-beloved John Wemys, the eldest son and apparent heir of David Wemys of that ilk, and the heirs-male of his body, lawfully procreated or to be procreated, whom failing, his lawful and nearest heirs-male whomsoever, bearing the arms and surname of Wemys, heritably, the lands of Wemys Schyre, with castle, tower fortalice, manor place, and mains of Wemys, Lyttill Lwn, Tullybrek, Camroun Mylne, lie Hauch, Donyface, Petconnothy, Wester Tarbat, Wester Drone, and Hill Drone, in the sheriffdom of Fife; the lands of Elchok, with castle, tower, fortalice, manor place, and mains of Elchok, Ballabrahm, and Craigtoun, the third part of the lands of Strathardall, the half of the lands of Ardargie, the lands of Kynnard, with the pertinents in the sheriffdom of Perth, the lands of Balhalwell, in the sheriffdom of Forfar, with castles, towers, etc., advocation and donation of churches and chaplainries of the foresaid lands, all of old united into a free barony, called the barony of Wemys; also the town and haven of Wemys, Kirkhill of Kirkmichaell, Ballinkillie and Ballinnald, of old erected into free burghs of barony, with all freedoms and privileges of burghs of barony, the lands of Lytill Raith, Powguild, Glennestoun, half of the lands of Maw and lands of Colleistoun, with castles, etc., in the sheriffdom of Fife; which all belonged to the said David Wemys heritably, and were by his procurators and letters patent resigned in the king's hands, as immediate superior thereof, at Edinburgh, in favour of the foresaid John Wemys; reserving to the foresaid David Wemys of that ilk the frank-tenement thereof for his lifetime; and a reasonable terce thereof to Cicil Ruthuen, spouse of the said David, after his decease, when it should happen. Further, the king, for the good, faithful, and thankful service done to him by the said David Wemys of that ilk, and John Wemys, his son and apparent heir, *de novo* grants to the said John Wemys, etc., all the foresaid lands, with all right he could claim thereto for any years bypast by reason of ward, non-entry, escheat, etc. And further, unites

and incorporates the whole foresaid lands into one entire and free barony to the said John Wemys, and his heirs-male aforesaid, to be called the BARONY OF WEMYS in time to come; ordaining the castle, tower, and fortalice of Wemys to be the principal messuage of the said barony; also, considering how necessary it was that the rectorage and vicarage of the parish church of Kirkmichaell, in Strathardill, should be conferred on fit and discreet persons, etc., in which there had been great sloth and negligence in years past, and for the most part that church was devoid of the consolation of a spiritual pastor, therefore, in the fear of God, and for the exoneration of his conscience, etc., for the good and well-approved experience of the prudence, discretion, and judgment of the said John, in the prudent government of his own affairs, and the ardent zeal which he bore for the propagation of the gospel, the king being of mind and resolute inclination that the right of patronage should remain with the said John, and his heirs-male and successors in the said barony, etc., unites and incorporates the advocation, donation, and right of patronage of the foresaid rectorage and vicarage, with the said barony of Wemys, and constitutes the said John and his heirs-male and successors in the barony the patrons thereof, and ordains that one sasine to be taken at the principal messuage should be sufficient: reserving the frank-tenement of all the foresaid lands and patronage to the said David Wemys of that ilk for his lifetime: to be held by the said John Wemys and his heirs-male aforesaid of the king and his successors in feë and heritage and free barony for ever; for rendering yearly to the king and his successors for the castle, tower, and mains of Wemys, castle, tower, and mains of Elchok, one penny of silver at Whitsunday, on the ground of the said mains in name of blenchfarm, if asked only, and this of the king's certain knowledge and proper motion, notwithstanding that they were formerly held of the king and his predecessors by service of ward and relief; wherefore the king, for the good, faithful, and thankful service done by the said John, changes the holding into blench farm for ever, for rendering for the lands the services due and wont, and for the right of patronage, etc., of the parish church of Kirkmichaell, one penny in name of blench farm, if asked only. Edinburgh, 10th May 1589.

233. Provision by David Wemyes of that ilk, whereby, "willing the helpe of his bairnes, to be with quyatnes, luiffe, and cheretie amang thame selffis, and that thai be prowydit and helpit in his awin tyme," he provides as follows. First, he nominates Mr. James Betoun of Creiche, Mr. David Carnegie of Colluthie, James

Wemys of Kaskebarrean, James Wemyes of Bogie, David and Harie Wemyis his sons, his executors with his goods and gear, and James Wemyes of Bogie, David and Harie Wemyes his sons, his intromitters with his goods and gear, with power to them to make inventory and confirmed testament thereupon. Item, for the help of Elspet Wemyes his daughter, whereas James Colvill of East Wemis was addebted to the said David Wemyes of that ilk in the sum of two thousand merks Scots money, to which, with interest, profits, and annual rent thereof, the said David in most ample form of assignation makes and nominates the said Elspet Wemyes, her heirs and assignees, as his irrevocable donators, with warrandice to defend the said assignation. Item, for provision and help of his two sons, David and Harie, "as yit nocht helpit nor forisfamiliat," the said David Wemys of that ilk and Sir John Wemys of that ilk, knight, with consent of Dame Marie Stewart, his spouse, at the request of the said David Wemys of that ilk, oblige them, their heirs and assignees, sufficiently to infeft and seize by their charter, precept, and instrument of sasine, the said David and Harie, each of them, in 5 chalders and a half victual, extending to 11 chalders, to wit, 5 chalders thereof bear and 6 chalders oatmeal, equally between them, to be uplifted out of the barony of Methill, in the regality of St. Andrews and sheriffdom of Fife, for their lifetimes respectively, in such sure form of infeftment as the said David and Harie Wemyss should devise; reserving to the said David Wemyss of that ilk the liferent thereof. Item, for the better help of the said David, Harie, and Elspet Wemyss, the said David leaves equally among them the whole moveable goods, corns, cattle, acts, contracts, debts, salt pans, etc., which should pertain to him at the time of his decease, except as follows:—Item, the said David, willing that his sons should continue in an honourable estate with honourable service as before, he dispones and leaves to Sir John Wemyes, fiar of that ilk, his apparent heir, and Sir John's heirs and successors, lairds of Wemyes, his whole "wticell and domicell," viz., his whole silver vessels, cupboard, tasses, basins, lavers, salt fats, silver spoons, and all such vessels of silver. Item, his whole fire vessels for kitchen and brewhouse, service vessels for boards, such as chargers, plates, dishes, pots, pans, trunscheors, etc. Item, all naperies, beddings and "hall thingis effeiring thairto callit vttecell and domicell." With power to the said David to iterate and reform these presents toties quoties. The deed bears to be subscribed by David Wemys of that ilk, Sir John Wemys, fiar of that ilk, knight, and Dame Marie Stewart's own hands, but it is only signed by "Dauid Wemss off y^{t} ilk," and witnesses. At Wemys, 31st January 1592.

234. Precept of Warning by David Wemyss of that ilk, and Sir John Wemyss, fiar of that ilk, having right to the salmon fishing underwritten, charging their officers and serjeants in that part to pass to their salmon fishing and salmon coble upon the water of Tay, landing upon their lands and Inche of Ballhaburne, in the barony of Elchok, fished and occupied by Laurence Lord Oliphant, his tenants and servants, and charge him, John Oliphant, one of his tutors, and Patrick Oliphant, burgess of Perth, pretended tenants and occupiers of the said fishing, to flit and remove from thence at the first day of December, called St. Andrew's day, and to warn them personally or at their dwelling places, and to read or cause be read the precept in the parish kirk of the said fishings on a Sunday in time of divine service, forty days before the said feast of St. Andrew, and leave a copy thereof upon the most patent door of the said kirk. Dated at Wemyss, 11th October 1593.

235. Contract of Marriage between William Lermonthe of Clattow, apparent of Darsie, with consent of James Lermonthe of Darsie, his father, on the one part, and Cicile Wemys, daughter of the right honourable David Wemys of that ilk, relict of the right honourable Andrew Kynonmonth of that ilk, on the other part, whereby it is agreed that William shall marry Cicill, and in contemplation thereof shall infeft her in conjunct fee and liferent, the survivor and the heirs-male of the marriage, whom failing the heirs-male of the said William whomsoever, in his lands of Clattow, to be held of the Archbishop of St. Andrews, and in the lands of Clermonthe, to be held of the Priors of St. Andrews, and, in warrandice of the latter, in the lands of Seres and Pittindreich, because Jonet Sandelandis, mother of the said William, was liferentrix of the said lands of Clermonth, for her life-time; the lands of Clattow to be worth 5 chalders victual to her yearly, and Clermonthe the same; also in the lands of Ladarny and Dimocke, in warrandice of both the lands, with 10 chalders of victual. Dated at Wemys, 4th December 1596.

236. Contract of Marriage between Sir John Weymes of that ilk, knight, Elizabeth Weymes, his sister, James Weymes of Bogie, and Patrick Weymes of Rumgay, her brothers, on the one part, and Alexander Wod of Lammelathane, on the other part, whereby it is agreed that the said Alexander shall marry Elizabeth, and in order thereto, shall infeft her in liferent in her virginity in the half lands of Balrymonth Wester, and others, reserving the liferent thereof to Jonet Balfour, mother of the said Alexander, and in the mill called the New miln, etc., in the

parish of St. Andrews and sheriffdom of Fife; the lands of South Grange, in the parish of Kilconquhar, and others; and Sir John and his brothers bind themselves to infeft the said Alexander and Elizabeth in an annual rent of 600 merks furth of Easter Wemyss, for 6000 merks received by James Colull of Easter Weymes from the late David Weymes of that ilk, to which annual rent the said David had constituted Elizabeth Weymes his assignee. Witnesses, James Weymes, younger, fiar of Caskieberrie, David Weymes, his brother, and others. Dated at Weymes-Elcho, 1st August 1597.

237. Charter by Sir John Wemis of that ilk, knight, whereby for the love he bore towards John Wemis, his second lawful son, and because hitherto he had got no portion of his father's moveable goods, nor other provision of lands or annual rents, and in fulfilment of a letter of obligation of the same date, he gives to the said John Wemis, his heirs and assignees whomsoever, heritably, under reversion, his lands of Methill, corn and waulk mills and mill lands thereof, lands of Hill and Pirny, in the regality of St. Andrews and sheriffdom of Fife, to be held from the granter and his heirs of the king and his successors, now immediate superiors of the lands in virtue of the Act of Parliament annexing the kirklands to the Crown, for yearly payment of £5 Scots and three suits of court: with warrandice from ward, relief, non-entry of heirs, ladies' terces, etc., in terms of the said letter of obligation; reserving the frank-tenement or liferent of the same, under reversion, to Sir John as long as he lived, and to his heirs and assignees whomsoever, the right to redeem the lands from the said John Wemyss, his son, or his heirs and assignees, for payment of 10,000 merks Scots, to be delivered in the parish kirk of Wemyss, on premonition of forty days before Whitsunday or Martinmas, etc. Contains a precept of sasine, and is dated at Wester Wemyss, 30th April 1604. Witnesses, James Wemis of Bogy, Patrick Wemis of Rumgalle, David Wemis of Fingask, James Wemys of Kaskybarian, and Mr. William Wemis, advocate and bailie of St. Andrews, and is written by David Wemis, notary public. Indorsed in the following terms: "Charter—Johne Wemyss of Methill and vthers lands, 1604, who was second brother then, and efter the death of his elder brother Dauid, he did succeid to the estait of Wemyss, and was therefter created Earle of Wemyss in anno 1633, by King Charles the First of blessed memorie, and diet at Wester Wemyss, anno 1649, on the sext of Desember that zeir, being of aige sextie and thrie zeirs."

238. Commission by King James the First of Great Britain, France, and Ireland, on the narrative that whereas many good Acts of Parliament had been made by him and his most noble progenitors, prohibiting the slaughter of red fish, smolts, and fry of fish, in forbidden time, nevertheless many persons, heritors, and possessors of the lands next adjacent to the water of Leven, preferring their private gain to the obedience of the law, made great destruction of the said fish, smolts, and fry in the water of Leven, "and hes maid that watter, quhilk moist plentifullie aboundit with salmond, to becum moist barren and fruitles," and it being very necessary that some persons should be entrusted with power and commission for the execution of the said Acts, and having good experience of the discretion of Sir John Weymes of that ilk, heritable bailie of the said water, etc., his Majesty appoints him his justice in that part within the bounds of the water of Leven, giving him authority to put the said laws to due execution, arrest transgressors, hold courts, put delinquents to an assize, etc., charging the lieges to obey. The commission to last for three years. Given under the signet at Edinburgh, 17th December 1607. Superscribed "James R.," and subscribed "Al. Cancell^{s}," "Mar."

[Similar Commissions for five years were given to Sir John Wemyss of that ilk, dated 7th November 1611; for five years, 28th November 1616, to John Weymes, fiar of that ilk and heritable bailie of the water of Leven; to the same, for five years, 13th September 1620; and by King Charles to —— Weymis, who was heritable bailie of the water of Leven, for five years, dated at Halyrudhous, 23d August 1626; and by the same to his "traist cusine," John, Lord Weymes, heritable bailie of the water of Leven, also for five years, dated at Perth, 22d September 1631.]

239. Contract of Marriage between Andrew, Earl of Rothes, Lord Leslie, etc., Dame Janet Durie, his spouse, and Mistress Elspet Leslie, their daughter, as principals, and John, Lord Lyndsay of the Byris, and Patrick, Lord of Lundoris, as cautioners, on the one part, and Sir John Weymis of that ilk, knight, Dame Marie Stewart, his wife, and David Weymis, their eldest son, fiar of that ilk, on the other part, whereby it is agreed that David shall marry Elspet before the 5th of April next; and in contemplation thereof the said Sir John Weymes, frank tenementar of that ilk, and the said David, bind themselves to infeft Elspet in her pure virginity in conjunct fee with the said David, and the heirs-male to be begotten

of their marriage, whom failing the heirs-male and assignees of the said David whomsoever, bearing the arms and surname of Weymis, in the lands of Tullebrek, Littil Lun, Hauche, lands and mill called Camroun Myln, lands called Wallis Grein, and others in the barony of Weymis and sheriffdom of Fife; and the said Earl and Dame Jonet Durie, his spouse, as principals, and John Lord Lindsay and Patrick, Lord of Lundoris, as cautioners, bind themselves to pay to the said Sir John 20,000 merks Scots as tocher, and Mistress Elspet renounces her liferent of the half of the lands of Balmedisyd in the barony of Ballinbreich, in which she was infeft by her father in liferent, on his conquest of the lands, under reversion of 2000 merks, to be paid by her brother Robert Leslye, fiar of the land; and the tocher being far above the avail of her liferent or her bairn's part of gear, therefore, with consent of her future spouse, she renounces her liferent of the lands, and all profits thereof, either by decease of Mistress Annas Leslie, her sister, when it should happen, or otherwise, in special favour of the said Robert Leslie her brother; and also renounces in his favour her bairn's part of gear, James Weymis of Bogie, brother of Sir John Weymis, becoming cautioner for David Weymis and his future spouse, that they shall ratify the same on attaining to their perfect ages; and should Mistress Elspet decease within year and day without leaving child alive, what of the tocher was paid to be repaid to the Earl, and she also to be infeft before marriage by her future spouse, in the Chapel of Weymes, etc. Dated at Couper and Wester Weymis, 29th and 31st January and 12th February 1608. Witnesses, Patrick Weymis of Rumgallie, David Weymis of Fingask, Harie Weymis their brother, James Weymis of Caskeberrean, John Weymis of Craigtoun, William Weymis, advocate in St. Andrews, John Seytoun, brother of George Seytoun of Parbroith, witnesses to the subscriptions of the Earl, his spouse and daughters, and of David Weymis; the same witnesses and Mr. William Scott, minister at Cupar, to the lord of Lundoris and laird of Bogie's subscriptions; James Weymes of Caskeberrean and others to the laird and lady Weymis' subscriptions.

240. Extract Retour of Inquest held before Patrick Balfour of Pitculloch, and Alexander Jamesoun, sheriffs-depute of the sheriffdom of Fife, by David, Earl of Crawfurd, Robert, Lord Lindsay, Henry, Lord Sanct Colme, Robert, Lord Monymaill, Sir David Carnagy of Kynnaird, knight, Robert Durie of that ilk, Sir James Weymis of Bogy, knight, Mr. David Barclay of Cullernie, David Betoun, fiar of Balfoure, Robert Forbes, fiar of Reres, David Betoun, fiar of Creich, Andrew Wod,

fiar of Largo, Andrew Aytoun of Dynmure, and James M'Gill of Rankillour Nether, of John Wemyss, apparent of that ilk, as heir to his brother, David Wemyss, fiar of that ilk, in the lands of Weymis schyre, with castle, tower, fortalice, manor place and dominical lands, commonly called Maynis of Weymis, Little Lun, Tullybrek, Camroun Mylne, lie Hauch, Donyface, Wester Tarvett, Wester Drone, and Hildrone, lying in the sheriffdom of Fife; the lands of Elchok, with castle, tower, fortalice, manor place and dominical lands, commonly called Maynis of Elchok, Ballinbrachtin, and Craigtoun, the third part of the lands of Strathardill, the half of the lands of Ardargy, the lands of Kynnaird, in the sheriffdom of Perth, with castles, towers, fishings, advocation and donation of churches and chapels thereof, etc.; the town and port of Weymis, Kirkhill, and Kirkmichaell, Ballinkellie, and Ballinald, of old erected into free burghs of barony; the lands of Little Raith, Powguild, and Glennystoune, half of the lands of Maw, and lands of Colystoune, with castles, towers, etc., within the sheriffdom of Fife; and all formerly erected and united into the barony of Wemyss, with advocation, donation, and right of patronage of the parish church of Kirkmichaell, rectorage and vicarage thereof, formerly united and annexed to the barony of Wemyss: The Inquest find that a single sasine, to be taken at the principal messuage of Wester Wemyss, by the heirs of the said David, will be valid and sufficient; that the said John is lawful and nearest heir-male of the said David, his brother, in the lands of Weymis schyre and others; that he is of lawful age, etc: And that the foresaid lands and others had been and were in the hands of the king, as lord superior, from the decease of the said David, John's brother, who died in the month of August or thereby 1608, for three terms and three months last past, by reason of non-entry, in default of the said John not prosecuting his right hitherto. Reserving the frank-tenement of all the foresaid lands and barony of Wemyss and others above mentioned to Sir John Wemyss of that ilk, knight, for his lifetime, held by him immediately of the king. Done in the head court of the sheriffdom of Fife, in the Court House of the burgh of Cupar, 17th April 1610.

241. Bond by James Gray, burgess of Wemys, stating that, "Forsameikill as vmquhile Patrick Lawerok, befoir his execution, delait me as suspect of ane witche or warlow," upon which delation Sir John Wemyes of that ilk, knight, apprehended the said James Gray and warded him in the tolbooth of the burgh, to remain there in captivity, "ay and quhill tryall and forder licht micht be had and provin

aganes me befoir quhatsumeuer judicatorie," when he should be cited to that effect; and because remaining in ward "is preiudicial to me and to my greit hurt, skaithe, schame, domage, and enorme [lesion]," and he could not get his worldly affairs "awattit on now the tyme of bear seid tyme. And I werry willing to vnderly the law be censuring of me vpone the said alledgit pointis of witchecraft quhensoeuer I sall be chargit be lawful citatione according to the lawis and practickes of this realme befoir quhatsumever judge or judges, day or dayis, place or places convenient," that thereafter he would obey all charges given to him to such effect, and not absent himself or be refractory, but would answer upon lawful citation; therefore the granter binds himself, his heirs, executors, successors, lands, goods, and gear to underlie the law and abide the trial of an assize, if he were ordained so to do, and abide their censure, "ather in clengeing or fylling of me," as the witnesses, depositions, and dittay should be given in against him, whenever and as soon as he should be lawfully cited to that effect; under the pain of 1000 merks usual money of the realm of North Britain, "as liquidat penaltie modefeit and set doun of my awin consent for releiving me out of waird, as said is," to be paid to Sir John Wemyes of that ilk, knight, his heirs and assignees, within fifteen days after disobedience and non-compearance, "becaus the said Sir Johne hes put me to libertie out of waird, he being my apprehender as said is, to the effect I may do my laufull affaires and adois." The bond contains a clause for registration in the Books of Council, Sheriff Books of Fife, or Common Court Books of Wemyes, is written by John Johnnestoun, notary public in Dysert, and is subscribed at Wemyes, 10th May 1626. Witnesses, Alexander Wemyes, burgess in Wemyes; Robert Balfour, mariner there; David Blythe, son to John Blythe, burgess there; Robert Barclay, in Cowdane Lawis, and others. Subscribed by the notary because the said James could not write himself.

242. Instrument of Sasine following upon the precept in a charter by King Charles the First, under the Great Seal, in favour of Sir John Wemyss of that ilk, baronet, and his heirs-male and assignees whatsoever, given at the castle of Edinburgh, of that part or portion of the lands of Nova Scotia in America, viz., beginning at the southmost point of the west side of the island called Anticosti, lying in the mouth of the river of Cannada, about 49 degrees of latitude, extending 3 miles towards the north upon the sea-shore, and then going towards the east, observing always 3 miles in breadth till it extends to 16,000

acres of land, with castles, towers, houses built and to be built, mills, multures, and sequels, fishing of red and white fish, salmon, advocation, donation, and right of patronage of churches and chapels, teind sheaves and other teinds, rectorage and vicarage, mines, minerals, gold and silver, iron, tin and lead, precious stones, gems, pearls, crystals, coral, etc.; with privilege and jurisdiction of free regality, with the office of sheriff and justiciary within the said bounds; together also with the honour and dignity of baronet, with power to have place, priority, pre-eminence, and precedence in all sessions, assemblies and meetings whatsoever, before all knights, made or to be made, and all lesser barons, commonly called lairds and gentlemen, except the lieutenant of the king and the heirs-male of his body descending, while holding the place of the king's lieutenants, etc., all united and annexed into one full, free, and whole barony and regality, to be called the Barony and Regality of New Wemis. A single sasine to be taken at the castle of Edinburgh to be sufficient. The precept is dated at Whitehall 29th May 1625, and sasine is given within the outer gate of the castle of Edinburgh by John Achesoun, elder, general of the mint, the king's sheriff in that part, to Henry Oliphant, writer, attorney for Sir John Wemyss, on 3d October 1626. Registered in the Books of General Register or Session 3d November 1626.

243. Act by the Lords of Exchequer, on a supplication given in by John, Lord Wemyss, mentioning that he had belonging to him the coal and salt of the Wemyss "quhilk he hade vrought and daylie workis at ane verie heigh rate and charge, and hes biggit ane bulwork wpon his owine chairges and expenssis," for the honour and weal of the country and better sale to his own coal and salt, which he was in use to sell partly to strangers by payment of a competent custom and bullion therefor, but that John and Robert Fleymings and Mr. John Peebles for themselves, and in name of the whole principal tacksmen of the customs, had exacted "ane wery heigh and exhorbitant custome and consequentlie bullione" of his coal and salt, in manifest extortion, of purpose to move the whole strangers to leave the buying thereof; and far beyond the course and price that was taken from other coalmasters or coal and salt buyers "vp the watter," or in any other part of the country; and anent the charge given to the said Robert Fleyming for himself, and in name of the whole customers of the kingdom, to have compeared before the said Lords, and heard him and them decerned that what quantity of coals is allowed for a

chalder, and what ease and modification should be appointed of that price which is set down by the Book of Rates and usually taken from others, that the supplicant should have the like, and the customers have no power to distress him nor the strangers that bought from him; the said John, Lord Wemyss, being personally present, and the tacksmen appearing by John Fleyming and Robert Mastertoun for themselves, and in name of the customers, their co-partners, the Lords, after exact trial taken by them of the measures of coal and salt "vp the watter, viz., above the Queensferrie," ordain "the number and quantitie of seaventein loads of coalls to be ane chalder to the said Lord Wemyss in tyme comeing, and als the said Lord Weymes his chalder of salt to be of the selfe same quantitie as ane chalder vp the watter," and the due custom and bullion of the coals and salt to be exacted only conform to the above measure, and immediately from the strangers and buyers of the coal and salt. At Halyrudhous, 14th April 1632. [Extract.]

244. Letter of Assignation by David Balfour, eldest son of Sir Andrew Balfour, knight, principal tacksman of the teinds underwritten, of a tack dated at St. Andrews 26th June 1584, by the late Robert, Earl of March, Bishop of Caithness, and Commendator of the Priory of St. Andrews, and Convent thereof, to the deceased George Douglas of Rumgay, brother of the late William Douglas of Lochleven, and two heirs successively succeeding to him, and served heirs by brieves, "during all the dayis of the langest levand of thame thrie successive," and thereafter to the said George's heirs and assignees whomsoever for nineteen years, of the teind sheaves, and other teinds, fruits, rents, and emoluments of the parishes and parish churches of Kennoquhie and Markinche, in the sheriffdom of Fife, for yearly payment to the said Robert, Earl of March, and his successors of the said priory of St. Andrews, of 400 merks Scots: also of a contract made at St. Andrews, 16th April 1593, between the said late George Douglas of Rumgay, then styled Sir George Douglas of Helenehill, knight, and the late Dame Jonet Lyndesay, his spouse, for themselves, and taking burden upon them for the late Margaret Douglas, their only lawful daughter and apparent heir, and the said late Margaret for herself, with advice of her said late father and the deceased Sir James Scott of Balwerie, knight, for all right he had to the letter of reversion and tack therein expressed, on the one part, and the late David Ramsay of Clettie, the late Agnes Ramsay, his daughter, and the late James Elphinstoun,

her spouse, on the other part, touching the marriage then contracted between the late Sir George Ramsay of Dalhoussie, knight, and the said late Dame Margaret Douglas, and thereafter solemnised between them, in which the said Sir George Douglas, with consent of the said Sir James Scott, constituted the said Sir George Ramsay of Dalhoussie, knight, and the said Dame Margaret Douglas, his spouse, the longest liver of them, and the heirs-male of their bodies, whom failing, Sir George Ramsay's heirs-male whomsoever, his assignees in and to the foresaid tack and assedation, and any other rights he might have to the said teinds, as more fully expressed in the said contract, registered in the Books of Council, 28th February 1593; and of letters of translation by the foresaid Sir George Ramsay of Dalhoussie, knight, dated at Kirktoun, 14th October 1617, with consent of the said deceased Dame Margaret Douglas, his spouse, and William Ramsay, their eldest son and apparent heir, for their interest, and Dame Margaret for herself, with consent of her husband and William Ramsay, for himself, with consent of his father as administrator for him, and the said Sir George Ramsay taking burden for them, to the said Sir Andrew Balfour, the granter's father, of the foresaid letter of tack and assedation, and the special tack and assedation mentioned in the foresaid contract of marriage, and other writs, etc., and that so far as the same might be extended to the crop and year of God 1615, and yearly thereafter; which translation and disposition was registered in the Books of Council, 15th October 1617: also of letters of assignation and disposition by the said Sir Andrew Balfour, knight, the granter's father, dated at St. Andrews, 18th January 1629, to the said David Balfour, his son, his heirs and donators, of the foresaid letters of tack and assedation, and other writs above rehearsed: To all of which, on payment by John, Earl of Wemyss, Lord Elcho, etc., to the said David Balfour of certain great sums of money, the said David, with consent of William, Earl of Dalhoussie, Lord Ramsay of Abbotschall, etc., and Sir Andrew Balfour, his father, for any right they might have, constituted the said John, Earl of Wemyss, his assignee, in so far as the same might be extended to the teind sheaves of his lands of Tullibrek, Little Lune, and Caldcoittis or Innerlewin, in the parish of Markinch and sheriffdom of Fife, for the year 1634, and so forth yearly during the years to run of the tack; with warrandice from the granter's proper fact and deed, and to keep the Earl skaithless of the yearly duty contained in the said tack, etc. East Wemyss, 25th October 1634.

245. Charter by Sir Alexander Leslie of Balgonie, knight, Lord General of the Swedish armies in West Falia, in Germany, franktenementar, and Colonel Alexander Leslie, fiar of Balgonie, his eldest son, fiar of the lands and others underwritten; by which, with consent of Dame Agnes Rentoun, wife of the said Sir Alexander, and mother of the said Colonel Alexander, for fulfilment of part of a contract of marriage made between John, Earl of Rothes, Lord Leslie and Ballinbreiche, etc., as taking burden upon him for Lady Margaret Leslie, his second lawful daughter, and the said Lady Margaret Leslie, for herself, with consent of her father, on the one part, and the granters, with consent aforesaid, on the other part, of the date hereof, anent a marriage contracted therein, and, God willing, shortly afterwards to be solemnised between the said Colonel Alexander and Lady Margaret Leslie, by virtue whereof, for the dowry and other causes therein mentioned, the granters were bound to infeft the said Lady Margaret Leslie, future spouse of the said Colonel Alexander, for her lifetime, in certain lands, etc. Therefore granting to the said Lady Margaret Leslie, future spouse of the said Colonel Alexander Leslie, in liferent, all and whole their lands of Craigincatt, with houses, mills, etc., in the barony of Glasmonth and sheriffdom of Fife, and an annual rent of £200 Scots, to be uplifted yearly at the two usual terms from the lands of Easter Baglillie, with mill thereof, called Inchedattie Mill, in the parish of Kingorne, and shire aforesaid. To be held from the granters, their heirs and successors, of the king and his successors, immediate superiors of the said lands, for rendering for the lands of Craigincatt the services due and wont, and for the annual rent, one penny at Whitsunday, in name of blench farm, if asked only. Dated at Baldoweis, near Lunenberg, 13th August 1636. Witnesses to the subscription of Sir Alexander Leslie, Sir John Ruthven, Major-General of the Army of West Falia, Patrick Leslie, and Patrick Thomsone, servitors of the said Sir Alexander; and at Balgonie 12th June 1637. Witnesses to the subscription of Colonel Alexander, Duncan Buchannane, servitor of the colonel, and William Freir, servitor of the said Sir Alexander. Subscribed, A. Leslie (Sir Alexander), Alexander Leslie (Colonel). The deed is said to be signed by the said Dame Agnes Rentoun, in token of her assent to the premises, but her subscription does not occur; also, the granters' seals are said to be appended, but do not appear ever to have been so. [Sasine is given 13th June 1637.]

246. Charter by King Charles the First, under the great seal, confirming the

charter granted by Alexander, Earl of Leven, Lord Balgony, therein designed Sir Alexander Leslie of Balgony, knight, etc., and the late Alexander, Lord of Balgony, his son, therein designed Colonel Alexander Leslie, fiar of Balgony, to Lady Margaret Leslie, Lady of Balgony, dated at Balgony, 12th June 1637 [No. 245 *supra*], and instrument of sasine following thereon, dated 13th June 1637: and further, granting to the said Lady Margaret Leslie for her lifetime the lands and barony of Eckfuird, Langtown, Lempitlaw, six husband lands in Grymslaw called Porterslands, etc., in the sheriffdom of Roxburgh; the lands and barony of Shirefhall, with teinds, manor place, etc., in the sheriffdom of Edinburgh, reserving to Francis, Earl of Buccleuch, Lord Scott of Quhitchester and Eskdaill, his heirs-male and of tailzie, the coal and lime found within the said barony of Shirefhall; which lands and barony of Eckfuird, etc., formerly belonged to the said Francis, Earl of Buccleuch, and were resigned by him in the hands of Sir James Carmichael and other Lords of Exchequer, as in the hands of the king, immediate superior thereof, in virtue of a procuratory of resignation contained in a contract of marriage made between the said Earl and Lady Margaret Leslie, etc. To be held of the king and his successors as superiors for payment of the blench farm duties, and others contained in the Earl's infeftment; and relieving the latter and his heirs of minister's stipend and duties to be paid out of the teinds of Sheriffhall. Edinburgh, 5th August 1646.

247. Letters Patent, under the Great Seal, by King Charles the Second, whereby on the preamble that the estates of Parliament, considering that the office of general of artillery in Scotland was vacant by the sentence and deprivation lately passed against Colonel Alexander Hamilton, last general thereof, and considering that Colonel James Wemyss had from his youth been brought up in military affairs, and especially in practice of artillery, and had shown sufficient specimen of his skill therein, had nominated and chosen him to be general of artillery for his lifetime, as contained in the Act of Parliament of date 10th July 1649, his majesty nominates and appoints the said Colonel James Wemyss to be general of artillery and engineering, and master of all ordnance and arms in Scotland for his lifetime, and ordains the said colonel to write an inventory of artillery, cannons, guns, etc., belonging to the king, to inform his Majesty and estates of Parliament what munitions of war were in the kingdom, and to do in all things touching the premises as the preceding general of artillery or master

of ordnance did or could have done. With power to inspect all cannons, small and great, on board ships within the kingdom, and to require caution from seamen and masters of the said ships not to sell the said cannons to foreigners when they went to foreign ports, but bring them back safe to the country, and render a reckoning of the same to the general or his deputes, under pain of confiscation, half to go to the king and estates of Parliament, and half to the general. In consideration of which, and for the great charges and labours expended by the general in the service, the king grants him an annual fee of £20 Scots yearly, to be paid at the two usual terms, the first payment being at Martinmas next, with a precept to the Commissioners of the Treasury, Lords and others of Exchequer, and receivers of the rents, to make such payments. Granting the office to the said Colonel James Wemyss with all honours, fees, and casualties thereto belonging. Edinburgh, 10th July 1649.

248. Will of Dame Helenor Flemyng, spouse of David, Earl of Weymes, Lord Elcho and Methill, etc., being sick of body, but in health of mind and judgment, wherein, recommending her spirit to Almighty God, and hoping to be saved only in and through the merits of our Lord Jesus Christ, she directs that her body be buried with the rest of the noble family of Weymes, and nominates David, Earl of Weymes, her dear husband, her only executor, to whom "most willinglie and hartielie" she leaves in legacy all her insight plenishing, gold, silver, etc. Only reserving power to her to leave in legacy, "which my said lord and husband haith desyred me to doe," to certain persons (blank not filled), which she entreats her husband to deliver to the said persons. Dated at Weymes 26th January 1652. Subscribed "Helenor Flemyng."

249. Copy of Bond by John, Earl of Rothes, as principal, and David, Earl of Wemys, Lord Montgomrie, and Sir Alexander Gibsone of Dury, as cautioners for him, binding them, their heirs, executors, and administrators, jointly and severally, to his Highness, Richard, Lord Protector of England, Scotland, Ireland, and dominions thereunto belonging, and his successors, in the sum of six thousand pounds of lawful money of England, that the said John, Earl of Rothes, should thereafter live peaceably, and not act anything directly or indirectly against his Highness and the Commonwealth, the said sum to be paid to the Receiver-General Baynes or the receiver-general of his Highness' revenue in Scotland for the time,

in case the said John, Earl of Rothes, should break or fail in his undertaking; with clause of registration in the books of the Court of Justice, or any other inferior judges or court books within the nations of Scotland, England, or Ireland, and that letters of horning, or any other execution of any of the three nations, should pass thereon upon a simple charge of six days. Written by William Clark, secretary to Lord General Moncke, and signed at Edinburgh, 1st December 1658. Witnesses, the said William Clark, William Cranstone, servitor to Lord Montgomorie; and James Grahame, servitor to William Clark; and by the Earl of Rothes, before Captain Richard Clifton. Lord Balgony is also named as a witness, and underneath is copied an order for release by General Monck.

250. Letters by King Charles the Second, under the Privy Seal, to the principal treasurer, and his deputy, and receivers of his rents in Scotland, by which, with advice of John, Earl of Rothes, etc., principal treasurer, comptroller, and collector-general of the kingdom of Scotland, and treasurer of the rents, etc., of the same, and William, Lord Ballenden of Brughtoune, depute in the said offices, and remanent Lords and others of the Exchequer, in consideration of the faithful and acceptable services done to his Majesty by Dame Margaret Leslie, Countess of Weyms, and for her encouragement to continue the same in time coming, his Majesty grants to her for her lifetime a yearly pension of £500 sterling, to be paid at the two terms of the year, beginning the first payment at Martinmas next, 1663, out of the readiest of the king's rents, etc., in Scotland. Given at the court at Whythall, 23d August 1663.

251. Confirmed Testament of the deceased David, Earl of Weymes, Lord Elcho and Methill, in the parish of Weymes, and shire of Fife, comprising his testament testamentar and inventory of his goods and gear at the time of his decease, in July 1679, given up by Lady Margaret Weymes, now Countess of Weymes, his daughter, executrix nominated to him, according to his latter will and testament. Amongst his goods are twenty-four horses and mares, estimated to viij^{c}lib; six kine and a bull, j^{c}xxxiij^{l}ib vj^{s} viijd; an old coach, carts, sleds, saddles, bridles, and horse graith, ij^{c}lib; a fourth part of the ship called the *Margaret*, of Burntisland, and $\frac{3}{8}$ parts of the *David* of Wemyss, and $\frac{1}{8}$ of the *Scaflower*, of Linktoune of Abbotshall, ij^{m}vj^{c}lxvj^{l}ib., xiij^{s} iiijd; stock in the fishery company, j^{m}ij^{c}lib.; salt in the girnels, vj^{c}lib.; furniture and plenishing of the house, over the heirship, v^{m}iij^{c}xxxiij^{l}ib vj^{s} viijd; silver

plate, spoons, and other silver work, iiij^{m}lib. "Item, his books and abuilziaments," vj^{c}lxvjlib xiijs iiijd.

Summa, xv^{m}vj^{c}lib.

Among the debts owing to the deceased are victual farms and silver duty of the tenants for crop 1679; by the representatives of Ronald Weymes of Lathocker, by bond, and by David and John Weymes, tutors of John Weymes, his son, conform to their bond of corroboration of the foresaid bond of principal and annual rent, j^{m}vj^{c}xxxiiijlib; by Archibald, Earl of Argyll, by bond of principal, ij^{m}vij^{c}xllib, two years and a half's annual rent thereof, iiij^{c}xjlib.

Summa of the debts, viij^{m}iij^{c}xlixlib.

Among the debts due by the defunct are—"Item, to Mr. James Weymes, somtyme regent in St. Andrews," by bond of principal, ij^{m}lib, a year's annual rent thereof is j^{c}xxlib; to William Selcraig, in Buckhaven, j^{m}lib of principal, a year and a half's annual rent thereof lxxvlib; to the masters and overseers of the Hospital of Largo a year and a half's annual rent of the principal sum of xx^{m}lib, on heritable surety, j^{m}viij^{c}lib; to Jean Skeen, of Halyards, v^{m}iij^{c}xxxiiilib vjs viijd; to David Weymes of Camron, iij^{m}iij^{c}xxxiijlib vjs viijd; and others, partly comprised in a list subscribed by himself, 16th February 1677; Sir Henry Wardlaw of Pitrevie, and Elizabeth, his daughter, vi^{m}vi^{c}lxvilib, xiijs iiijd; George Malcolm of Balbedie, for a year's feu-duty of the lands of Camron, i^{c}ixlib xiiis iiijd; John Pearson, grieve iij^{c}lixlib js viijd; George Houstoun, pansmith, for a year's mending of the salt pans ix^{c}lib. "Item, to coalziars and coalcallers at Weymes, conforme to the compt book, subscribed by the defunct, ii^{m}ij^{c}xviijlib xiiis iiijd; salters at Weymes, iiij^{c}lxxlib xixs xjd, etc.

Summa of the debts, lxxxxiiij^{m}lxxxxlib xjs iijd.

In his latter will he ordains his body to be honourably buried, appoints Lady Margaret Wemyss, his daughter, now Lady Burntisland, to be his only executrix, universal legatrix, and sole intromissatrix with his goods, gear, debts, etc.; and failing of her by decease before confirmation hereof, or making of her own latter will and testament, James, Lord Burntisland, his son-in-law, leaving all his goods, etc., to Lady Margaret; or, failing of her, to James, Lord Burntisland. Dated at Wester Wemyss 23d November 1676. The testament and inventory are confirmed by Patrick Lindesay of Wolmerstoun, Commissary of St. Andrews, who ratifies the appointment of Lady Margaret Wemyss to be executrix, who affirmed the same to be justly and truly made, and protested to be heard to eik, David Wemyss of

Camroun becoming cautioner for the said executrix, and commits power to her to intromit with the whole goods, etc. St. Andrews, 3d November 1680.

252. Testament Testamentar and Inventory of the goods, gear, and debts that belonged to the deceased James, Lord Burntisland, in the parish of Weymes, and sheriffdom of Fife, at the time of his decease, who died in the month of December 1682, given up by Lady Margaret, Countess of Weymes, his relict and executrix testamentary, nominated by him in his latter will and testament, dated 3d August 1680. Among the goods pertaining to him were 168 chalders of salt lying in the garners at Weymes and Methill, estimated to xviijtib the chalder, inde iij^{m}xxiiijtib; coals on the coalheuch hills, estimated to iiij^{c}tib; ¼ part of the ship called the *David*, of Weymes, v^{c}xxxiijtib vjs viijd; plenishing of the house and glebe of Bogy, in the custody of James Weymes, viij^{c}tib; four coach mares, j^{c}lxxxtib the piece, inde vij^{c}xxtib; three other horse and mares, j^{c}xxtib the piece, inde iij^{c}lxtib. The defunct's books and abulziements of his body, v^{c}tib.

Summa, vj^{m}iij^{c}xxxvijtib vjs viijd.

Among the debts owing to the deceased are the farms due by tenants of the barony of Wester Wemyss, Methill, Elcho, etc., by James Weymes and Anna Aytoun, his spouse, for the use of the movables of the house and glebe of Bogy for three years, at 100 merks yearly, ij^{c}tib.

Summa, xvj^{m}vj^{c}xlijtib viijs vijd.

The summa of the debts owing by the deceased is xxiij^{m}iiij^{c}vtib vs vd.

Lord Burntisland in his latter will constitutes his dearly beloved wife, Margaret, Countess of Wemyss, his only executrix and universall intromitter with his whole goods, gear, etc., pertaining to him at the time of his decease. Wemyss, 3d August 1680.

The inventory and testament are confirmed by Patrick Lindesay of Wolmerstoun, and Mr. John Lindesay, advocate, Commissaries of St. Andrews, who ratify the Countess's appointment as executrix, who protested to be heard to eik *in communi forma*. David Weymes of Camroun becomes cautioner. St. Andrews, 18th October 1683.

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